PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BALDWIN:

H.R. 12980. A bill for the relief of Federico P. Regino and Alberto P. Regino; to the Committee on the Judiciary.

By Mr. CURTIS of Massachusetts:

H.R. 12981. A bill for the relief of Monica Gil-Cabrera; to the Committee on the Judiciary.

By Mr. HARRISON:

H.R. 12982. A bill for the relief of Klaus Dieter-Herbert Burmeister; to the Committee on the Judiciary.

By Mr. HUDDLESTON:

H.R. 12983. A bill for the relief of Christos Paul Tomaras; to the Committee on the Judiciary.

By Mr. MULTER:

H.R. 12984. A bill for the relief of Pantelis Smirlis; to the Committee on the Judiciary.

By Mr. O'BRIEN of Illinois:

H.R. 12985. A bill for the relief of Benjamin Arnon; to the Committee on the Judiciary.

By Mr. O'NEILL:

H.R. 12986. A bill for the relief of Francesco Pagano; to the Committee on the Judiciary.

By Mr. POWELL:

H. R. 12987. A bill for the relief of Fritz Frederique; to the Committee on the Judiciary.

By Mr. SLACK:

H.R. 12988. A bill for the relief of John D. Morton; to the Committee on the Judiciary.

By Mr. WALTER:

H.R. 12989. A bill for the relief of Youssef M. B. Karam; to the Committee on the Judiciary.

H.R. 12990. A bill for the relief of Giorgina Raniola Infantino and her children, Georgio Infantino, Angelo Infantino, and Giovanni Infantino; to the Committee on the Judiciary.

By Mr. YOUNGER:

H.R. 12991. A bill for the relief of William Fu (also known as Foo Mow Son); to the Committee on the Judiciary.

By Mr. ZELENKO:

H.R. 12992. A bill for the relief of Mrs. Apolonia Ocenar-Luz; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

521. By Mr. ADAIR: Petition of Mrs. Emily E. Griffith, secretary, and others, who are members of the Boston Terrier Club, desiring that the Boston terrier be recognized officially as the national dog; to the Committee on the Judiciary.

522. By the SPEAKER: Petition of California State Board of Agriculture, Sacramento, Calif., relative to a resolution adopted relating to national marketing orders for agricultural crops; to the Committee on Agriculture.

523. Also, petition of William McAuliffe, New Bedford, Mass., requesting that all of our surface naval vessels be equipped with the Polaris missiles, as well as our submarines; to the Committee on Appropriations.

524. Also, petition of Robert B. Beach, National Association of Building Owners and Managers, Chicago, Ill., relative to pending amendments to the Fair Labor Standards Act of 1938 and their effect upon the status of the general office building; to the Committee on Education and Labor.

525. Also, petition of Freddie Brown and others, Spokane Indian Association, Wellpinit, Wash., requesting the enactment of legislation to direct the Attorney General or some other authorized agency other than the Bureau of Indian Affairs to fully investigate the mining program on the Spokane Indian Reservation; to the Committee on Interior and Insular Affairs.

526. Also, petition of chief clerk, the Council of the City of New York, New York, N.Y., requesting enactment of Senate bill 910, a bill to permit and authorize the payment to local governments of sums in lieu of taxes and special assessments with respect to certain Federal real property; to the Committee on Interior and Insular Affairs.

527. Also, petition of Harold Elsten, New York, N.Y., relative to a redress of grievance against the Supreme Court; to the Committee on the Judiciary.

528. Also, petition of Lucien T. Turmenne, Lewiston, Maine, requesting a Congress for the Enforcement of the Constitution of the United States; to the Committee on the Judiciary.

529. Also, petition of Mrs. Francisca Builes Vda de Belocura Dumanjug, Cebu, Philippines, relative to a redress of grievance relating to a claim for payment of national service life insurance; to the Committee on Veterans' Affairs.

530. Also, petition of W. S. Harris and others, Irving, Tex., requesting the reduction of the eligibility age to 55 years for the receipt of social security benefits; to the Committee on Ways and Means.

SENATE

TUESDAY, AUGUST 16, 1960

(Legislative day of Thursday, August 11, 1960)

The Senate met at 10 o'clock a.m., on the expiration of the recess, and was called to order by the President pro tempore.

The Chaplain, Rev. Frederick Brown Harris, D.D., offered the following prayer:

Eternal God, our Father, grappling with the tasks of a new day of deliberation, we implore Thy enabling grace on the chosen representatives of the Republic who, in the legislative process, by their words, decisions, and influence here weave the fabric of the national and international life.

We would also remember before Thee those whose calling it is to report to the waiting millions at home and around the listening world what is said and done in the Nation's lawmaking Chambers.

We pray Thy guidance on members of the vital profession who on printed page and on the speaking air pour forth their conclusions and interpretations, thus coloring the attitudes of an unnumbered host.

Grant those who wield such power the inner candor never to suffer themselves to be used to deceive or drug the mind of the people with falsehood or prejudice.

Cause those whose writing and speaking are channels of public information and understanding to realize that they have a sacred function, and that the cause of righteousness and freedom may be saved by their courage, or lost by their distortion, cowardice, or silence. In the place in which we stand, make each of us the messenger of Thy truth to our generation. Amen.

THE JOURNAL

On request of Mr. JOHNSON of Texas, and by unanimous consent, the reading of the Journal of the proceedings of Monday, August 15, 1960, was dispensed with.

ORDER OF BUSINESS

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that we have the usual morning hour, and that statements in connection therewith be limited to 3 minutes.

Mr. ELLENDER. I object.

Mr. KUCHEL. Mr. President, let me ask what the request was.

Mr. JOHNSON of Texas. For a morning hour, and for a limitation on statements in connection therewith.

The PRESIDENT pro tempore. Objection is heard.

TRANSACTION OF ROUTINE BUSINESS

By unanimous consent, the following routine business was transacted:

MEMORIAL

The PRESIDENT pro tempore laid before the Senate a memorial signed by Marilyn Routsong, for the Founding Church of Scientology, the Church of American Science, and the Hubbard Association of Scientologists, International, of Washington, D.C., remonstrating against alleged prejudice and discrimination of certain branches of the Federal and District of Columbia Governments, which was referred to the Committee on the Judiciary.

REPORTS OF COMMITTEES

INCREASED APPROPRIATIONS FOR PRESIDENT'S MUTUAL SECURITY CONTINGENCY FUND

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original bill (S. 3855) to increase the authorization for appropriations for the President's mutual security contingency fund for the fiscal year 1961, and for other purposes, and submitted a report (No. 1836) thereon; which bill was read twice by its title and placed on the calendar.

PRINTING OF THE "LEGISLATIVE HISTORY OF THE COMMITTEE ON FOREIGN RELATIONS, U.S. SENATE, 86TH CONGRESS" AS A SENATE DOCUMENT

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an

original resolution (S. Res. 360) authorizing the printing of the "Legislative History of the Committee on Foreign Relations, U.S. Senate, 86th Congress" as a Senate document, which was referred to the Committee on Rules and Administration, as follows:

Resolved, That the "Legislative History of the Committee on Foreign Relations, U.S. Senate, 86th Congress" be printed as a Senate document, and that two thousand additional copies be printed for the use of the Committee on Foreign Relations.

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL EMPLOYMENT AND PAY

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal employment and pay for the month of June 1960. In accordance with the practice of several years' standing, I ask unanimous consent to have the report printed in the RECORD together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL PERSONNEL IN EXECUTIVE BRANCH, JUNE 1960 AND MAY 1960, AND PAY, MAY 1960 AND APRIL 1960

PERSONNEL AND PAY SUMMARY

(See table I)

Information in monthly personnel reports for June 1960 submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures is summarized as follows:

Total and major categories	Civilian personnel in executive branch			Payroll (in thousands) in executive branch		
	In June numbered—	In May numbered—	Increase (+) or decrease (−)	In May was—	In April was—	Increase (+) or decrease (−)
Total [1]	[2] 2,382,679	2,393,401	−10,722	$1,082,424	$1,028,861	+$53,563
Agencies exclusive of Department of Defense	1,335,462	1,349,025	−13,563	595,872	563,165	+32,707
Department of Defense	1,047,217	1,044,376	+2,841	486,552	465,696	+20,856
Inside the United States	2,224,640	2,232,391	−7,751			
Outside the United States	158,039	161,010	−2,971			
Industrial employment	557,917	555,391	+2,526			
Foreign nationals	177,801	178,299	−498	22,112	21,704	+408

[1] Exclusive of foreign nationals shown in the last line of this summary.

[2] Includes 16,174 temporary employees (enumerators, clerks, supervisors, crew leaders, etc.) of the Department of Commerce engaged in taking the 18th Decennial Census, as compared with 56,271 in May.

Table I breaks down the above figures on employment and pay by agencies.

Table II breaks down the above employment figure to show the number inside the United States by agencies.

Table III breaks down the above employment figures to show the number outside the United States by agencies.

Table IV breaks down the above employment figures to show the number in industrial-type activities by agencies.

Table V shows foreign nationals by agencies not included in tables I, II, III, and IV.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during June 1960, and comparison with May 1960, and pay for May 1960, and comparison with April 1960*

Department or agency	Personnel				Pay (in thousands)			
	June	May	Increase	Decrease	May	April	Increase	Decrease
Executive departments (except Department of Defense):								
Agriculture	98,702	87,682	11,020		$37,397	$36,038	$1,359	
Commerce [1] [2]	49,332	87,866		38,534	45,322	29,284	16,038	
Health, Education, and Welfare	61,641	60,169	1,472		28,217	26,899	1,318	
Interior	56,113	52,322	3,791		26,128	24,271	1,857	
Justice	30,943	30,276	667		17,277	16,533	744	
Labor	7,108	7,440		332	3,591	3,376	215	
Post Office	562,868	556,097	6,771		222,559	218,939	3,620	
State [3]	37,878	37,533	345		17,014	15,946	1,068	
Treasury	76,179	78,150		1,971	39,599	38,510	1,089	
Executive Office of the President:								
White House Office	446	436	10		249	245	4	
Bureau of the Budget	434	417	17		330	331		$1
Council of Economic Advisers	32	31	1		26	26		
Executive Mansion and Grounds	70	69	1		29	32		3
National Security Council	65	63	2		46	44	2	
Office of Civil and Defense Mobilization	1,882	1,788	94		1,252	1,009	243	
President's Advisory Committee on Government Organization	3	3			2	2		
President's Committee on Fund Raising Within the Federal Service	4	4			2	6		4
Independent agencies:								
Advisory Commission on Intergovernmental Relations	8	12		4	5	3	2	
Alaska International Rail and Highway Commission	3	2	1		2	2		
American Battle Monuments Commission	461	491		30	88	87	1	
Atomic Energy Commission	6,907	6,769	138		4,308	4,100	208	
Board of Governors of the Federal Reserve System	598	589	9		343	330	13	
Boston National Historic Sites Commission	3	3			1	1		
Civil Aeronautics Board	755	738	17		441	453		12
Civil Service Commission	3,579	3,570	9		1,926	1,861	65	
Civil War Centennial Commission	7	7			5	4	1	
Commission of Fine Arts	4	4			3	2	1	
Commission on Civil Rights	82	78	4		40	42		2
Development Loan Fund	117	109	8		81	74	7	
Export-Import Bank of Washington	237	227	10		150	143	7	
Farm Credit Administration	245	246		1	153	155		2
Federal Aviation Agency	38,144	37,098	1,046		21,180	20,009	1,171	
Federal Coal Mine Safety Board of Review	7	7			4	4		
Federal Communications Commission	1,403	1,323	80		793	957		164
Federal Deposit Insurance Corporation	1,255	1,231	24		700	673	27	
Federal Home Loan Bank Board	999	989	10		600	548	52	
Federal Mediation and Conciliation Service	347	338	9		263	252	11	
Federal Power Commission	859	818	41		506	479	27	
Federal Trade Commission	782	751	31		492	470	22	
Foreign Claims Settlement Commission	47	47			34	32	2	

[1] June figure includes 180 seamen on the rolls of the Maritime Administration and their pay.

[2] June figure includes 16,174 temporary employees (enumerators, clerks, supervisors, crew leaders, etc.) of the Department of Commerce engaged in taking the 18th Decennial Census, as compared with 56,271 in May and their pay.

[3] June figure includes 14,443 employees of the International Cooperation Administration as compared with 14,240 in May and their pay. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 3,935 of these trust fund employees and the May figure includes 3,851.

TABLE I.—*Consolidated table of Federal personnel inside and outside the United States employed by the executive agencies during June 1960, and comparison with May 1960, and pay for May 1960, and comparison with April 1960*—Continued

Department or agency	Personnel				Pay (in thousands)			
	June	May	Increase	Decrease	May	April	Increase	Decrease
Independent agencies—Con.								
General Accounting Office	5,066	4,932	134		$2,741	$2,634	$107	
General Services Administration [4]	28,213	27,724	489		12,125	11,497	628	
Government Contract Committee	27	32		5	18	18		
Government Printing Office	6,540	6,527	13		3,411	3,208	203	
Housing and Home Finance Agency	11,105	10,925	180		5,994	5,705	289	
Indian Claims Commission	17	16	1		15	14	1	
Interstate Commerce Commission	2,381	2,362	19		1,396	1,332	64	
Lincoln Sesquicentennial Commission [5]	2	2			1		1	
National Aeronautics and Space Administration	10,232	9,923	309		6,252	5,953	299	
National Capital Housing Authority	331	332		1	140	134	6	
National Capital Planning Commission	47	45	2		29	27	2	
National Gallery of Art	329	322	7		123	117	6	
National Labor Relations Board	1,750	1,691	59		1,012	963	49	
National Mediation Board	129	128	1		93	88	5	
National Science Foundation	734	633	101		331	307	24	
Outdoor Recreation Resources Review Commission	42	41	1		26	25	1	
Panama Canal	14,061	14,006	55		4,304	6,204		1,900
Railroad Retirement Board	2,234	2,171	63		1,051	1,036	15	
Renegotiation Board	284	279	5		205	197	8	
St. Lawrence Seaway Development Corporation	159	163		4	95	87	8	
Securities and Exchange Commission	980	963	17		594	565	29	
Selective Service System	6,230	6,227	3		1,765	1,685	80	
Small Business Administration	2,244	[6] 2,194	50		1,249	1,183	66	
Smithsonian Institution	1,226	1,147	79		498	469	29	
Soldiers' Home	1,041	1,041			316	288	28	
South Carolina, Georgia, Alabama, and Florida Water Study Commission	45	45			30	29	1	
Subversive Activities Control Board	25	25			20	19	1	
Tariff Commission	271	246	25		159	150	9	
Tax Court of the United States	153	149	4		104	101	3	
Tennessee Valley Authority	14,993	14,827	166		8,246	7,819	427	
Texas Water Study Commission	48	48			29	25	4	
U.S. Information Agency	10,931	10,948		17	3,802	3,646	156	
Veterans' Administration	172,338	172,443		105	68,438	65,323	3,115	
Virgin Islands Corporation	705	675	30		102	145		$43
Total, excluding Department of Defense	1,335,462	1,349,025	27,441	41,004	595,872	563,165	34,838	2,131
Net change, excluding Department of Defense			13,563				32,707	
Department of Defense:								
Office of the Secretary of Defense	1,949	1,824	125		1,251	1,179	72	
Department of the Army	390,054	[6] 388,377	1,677		175,751	168,441	7,310	
Department of the Navy	347,761	345,477	2,284		168,598	161,640	6,958	
Department of the Air Force	307,453	308,698		1,245	140,952	134,436	6,516	
Total, Department of Defense	1,047,217	1,044,376	4,086	1,245	486,552	465,696	20,856	
Net increase, Department of Defense			2,841				20,856	
Grand total, including Department of Defense [7]	2,382,679	2,393,401	31,527	42,249	1,082,424	1,028,861	55,694	2,131
Net change, including Department of Defense			10,722				53,563	

[4] Includes 3 employees of the Federal Facilities Corporation.
[5] Expired by law June 30, 1960.
[6] Revised on basis of later information.
[7] Exclusive of personnel and pay of the Central Intelligence Agency and the National Security Agency.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during June 1960, and comparison with May 1960*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	97,699	86,673	11,026	
Commerce [1]	48,753	87,288		38,535
Health, Education, and Welfare	61,190	59,720	1,470	
Interior	55,663	51,875	3,788	
Justice	30,633	29,965	668	
Labor	7,026	7,344		318
Post Office	561,656	554,901	6,755	
State [2]	9,111	8,981	130	
Treasury	75,628	77,596		1,968
Executive Office of the President:				
White House Office	446	436	10	
Bureau of the Budget	434	417	17	
Council of Economic Advisers	32	31	1	
Executive Mansion and Grounds	70	69	1	
National Security Council	65	63	2	
Office of Civil and Defense Mobilization	1,882	1,788	94	
President's Advisory Committee on Government Organization	3	3		
President's Committee on Fund Raising Within the Federal Service	4	4		
Independent agencies:				
Advisory Commission on Intergovernmental Relations	8	12		4
Alaska International Rail and Highway Commission	3	2	1	
American Battle Monuments Commission	12	13		1
Atomic Energy Commission	6,864	6,727	137	
Board of Governors of the Federal Reserve System	598	589	9	

Department or agency	June	May	Increase	Decrease
Independent agencies—Con.				
Boston National Historic Sites Commission	3	3		
Civil Aeronautics Board	755	738	17	
Civil Service Commission	3,576	3,567	9	
Civil War Centennial Commission	7	7		
Commission of Fine Arts	4	4		
Commission on Civil Rights	82	78	4	
Development Loan Fund	117	109	8	
Export-Import Bank of Washington	237	227	10	
Farm Credit Administration	245	246		1
Federal Aviation Agency	37,272	36,224	1,048	
Federal Coal Mine Safety Board of Review	7	7		
Federal Communications Commission	1,041	1,321	80	
Federal Deposit Insurance Corporation	1,253	1,229	24	
Federal Home Loan Bank Board	999	989	10	
Federal Mediation and Conciliation Service	347	338	9	
Federal Power Commission	859	818	41	
Federal Trade Commission	782	751	31	
Foreign Claims Settlement Commission	47	47		
General Accounting Office	4,993	4,863	130	
General Services Administration [3]	28,211	27,720	491	
Government Contract Committee	27	32		5
Government Printing Office	6,540	6,527	13	
Housing and Home Finance Agency	10,962	10,784	178	
Indian Claims Commission	17	16	1	
Interstate Commerce Commission	2,381	2,362	19	
Lincoln Sesquicentennial Commission [4]	2	2		
National Aeronautics and Space Administration	10,228	9,919	309	

[1] June figure includes 180 seamen on the rolls of the Maritime Administration.
[2] June figure includes 1,980 employees of the International Cooperation Administration as compared with 1,929 in May.
[3] Includes 3 employees of the Federal Facilities Corporation.
[4] Expired by law June 30, 1960.

TABLE II.—*Federal personnel inside the United States employed by the executive agencies during June 1960, and comparison with May 1960*—Continued

Department or agency	June	May	Increase	Decrease
Independent agences—Continued				
National Capital Housing Authority	331	332		1
National Capital Planning Commission	47	45	2	
National Gallery of Art	329	322	7	
National Labor Relations Board	1,724	1,666	58	
National Mediation Board	129	128	1	
National Science Foundation	734	633	101	
Outdoor Recreation Resources Review Commission	42	41	1	
Panama Canal	393	410		17
Railroad Retirement Board	2,234	2,171	63	
Renegotiation Board	284	279	5	
St. Lawrence Seaway Development Corporation	159	163		4
Securities and Exchange Commission	980	963	17	
Selective Service System	6,076	6,072	4	
Small Business Administration	2,219	170	49	
Smithsonian Institution	1,216	1,138	78	
Soldier's Home	1,041	1,041		
South Carolina, Georgia, Alabama, and Florida Water Study Commission	45	45		
Subversive Activities Control Board	25	25		
Tariff Commission	271	246	25	
Tax Court of the United States	153	149	4	
ndependent agencies—Continued				
Tennessee Valley Authority	14,991	14,825	166	
Texas Water Study Commission	48	48		
U.S. Information Agency	2,759	2,718	41	
Veterans' Administration	171,243	171,340		97
Total, excluding Department of Defense	1,276,607	1,290,395	27,163	40,951
Net decrease, excluding Department of Defense			13,788	
Department of Defense:				
Office of the Secretary of Defense	1,909	1,784	125	
Department of the Army	341,195	337,485	3,710	
Department of the Navy	325,693	323,265	2,428	
Department of the Air Force	279,236	279,462		226
Total, Department of Defense	948,033	941,996	6,263	226
Net increase, Department of Defense			6,037	
Grand total, including Department of Defense	2,224,640	2,232,391	33,426	41,177
Net decrease, including Department of Defense			7,751	

[3] Revised on basis of later information.

TABLE III.—*Federal personnel outside the United States employed by the executive agencies during June 1960, and comparison with May 1960*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	1,003	1,009		6
Commerce	579	578	1	
Health, Education, and Welfare	451	449	2	
Interior	450	447	3	
Justice	310	311		1
Labor	82	96		14
Post Office	1,212	1,196	16	
State [1]	28,767	28,552	215	
Treasury	551	554		3
Independent agencies:				
American Battle Monuments Commission	449	478		29
Atomic Energy Commission	43	42	1	
Civil Service Commission	3	3		
Federal Aviation Agency	872	874		2
Federal Communications Commission	2	2		
Federal Deposit Insurance Corporation	2	2		
General Accounting Office	73	69	4	
General Services Administration	2	4		2
Housing and Home Finance Agency	143	141	2	
National Aeronautics and Space Administration	4	4		
National Labor Relations Board	26	25	1	
Panama Canal	13,668	13,596	72	
Selective Service System	154	155		1
Independent agencies—Continued				
Small Business Administration	25	24	1	
Smithsonian Institution	10	9	1	
Tennessee Valley Authority	2	2		
U.S. Information Agency	8,172	8,230		58
Veterans' Administration	1,095	1,103		8
Virgin Islands Corporation	705	675	30	
Total, excluding Department of Defense	58,855	58,630	349	124
Net increase, excluding Department of Defense			225	
Department of Defense:				
Office of the Secretary of Defense	40	40		
Department of the Army	48,859	[3] 50,892		2,033
Department of the Navy	22,068	22,212		144
Department of the Air Force	28,217	29,236		1,019
Total, Department of Defense	99,184	102,380		3,196
Net decrease, Department of Defense			3,196	
Grand total, including Department of Defense	158,039	161,010	349	3,320
Net decrease, including Department of Defense			2,971	

[1] June figure includes 12,463 employees of the International Corporation Administration as compared with 12,311 in May. These ICA figures include employees who are paid from foreign currencies deposited by foreign governments in a trust fund for this purpose. The June figure includes 3,935 of these trust fund employees and the May figure includes 3,851.

[3] Revised on basis of later information.

TABLE IV.—*Industrial employees of the Federal Government inside and outside the United States employed by the executive agencies during June 1960, and comparison with May 1960*

Department or agency	June	May	Increase	Decrease
Executive departments (except Department of Defense):				
Agriculture	3,449	3,446	3	
Commerce	2,504	2,595		91
Interior	6,946	6,761	185	
Treasury	5,191	5,201		10
Independent agencies:				
Atomic Energy Commission	156	153	3	
Federal Aviation Agency	784	886		102
Federal Communications Commission	17	13	4	
General Services Administration	1,244	1,227	17	
Government Printing Office	6,540	6,527	13	
National Aeronautics and Space Administration	10,232	9,923	309	
Panama Canal	7,133	7,118	15	
Tennessee Valley Authority	12,178	12,037	141	
Virgin Islands Corporation	705	675	30	
Total, excluding Department of Defense	57,079	56,562	720	203
Net increase, excluding Department of Defense			517	
Department of Defense:				
Department of the Army:				
Inside the United States	[1] 136,250	[3] 134,757	1,493	
Outside the United States	[1] 7,350	[3] 7,609		259
Department of the Navy:				
Inside the United States	201,070	[3] 199,731	1,339	
Outside the United States	503	[3] 530		27
Department of the Air Force:				
Inside the United States	154,297	154,800		503
Outside the United States	1,368	1,402		34
Total, Department of Defense	500,838	498,829	2,832	823
Net increase, Department of Defense			2,009	
Grand total, including Department of Defense	557,917	555,391	3,552	1,026
Net increase, including Department of Defense			2,526	

[1] Subject to revision.

[3] Revised on basis of later information.

TABLE V.—*Foreign nationals working under U.S. agencies overseas, excluded from tables I through IV of this report, whose services are provided by contractual agreement between the United States and foreign governments, or because of the nature of their work or the source of funds from which they are paid, as of June 1960 and comparison with May 1960*

Country	Total		Army		Navy		Air Force	
	June	May	June	May	June	May	June	May
Belgium	3	2					3	2
England	3,251	3,275					3,251	3,275
France	22,066	22,141	17,901	17,935	4	4	4,161	4,202
Germany	80,128	80,489	68,112	68,403	59	56	11,957	12,030
Japan	62,024	61,823	20,779	20,896	15,886	[1] 16,088	25,359	24,839
Korea	6,171	6,193	6,171	6,193				
Morocco	3,537	3,691		2	853	[1] 848	2,684	2,841
Netherlands	40	40					40	40
Norway	23	23					23	23
Saudi Arabia	1	1					1	1
Trinidad	557	621			557	621		
Total	177,801	178,299	112,963	113,429	17,359	17,617	47,479	47,253

[1] Revised on basis of later information.

STATEMENT BY SENATOR BYRD OF VIRGINIA

THE MONTH OF JUNE 1960

Civilian employees

Executive agencies of the Federal Government reported civilian employment in the month of June totaling 2,382,679. This was a net decrease of 10,722 as compared with employment reported in the preceding month of May.

Civilian employment reported by the executive agencies of the Federal Government, by month in fiscal year 1960, which began July 1, 1959, follows:

Month	Employment	Increase	Decrease
1959—July	2,370,694	3,703	
August	2,364,320		6,374
September	2,345,359		18,961
October	2,348,807	3,448	
November	2,372,247	23,440	
December	2,364,342		7,905
1960—January	2,329,442		34,900
February	2,331,884	2,442	
March	2,514,756	182,872	
April	2,518,215	3,459	
May	2,393,401		124,814
June	2,382,679		10,722

Total Federal employment in civilian agencies for the month of June was 1,335,462, a decrease of 13,563 as compared with the May total of 1,349,025. Total civilian employment in the military agencies in June was 1,047,217, an increase of 2,841 as compared with 1,044,376 in May.

Civilian agencies reporting larger decreases were Commerce Department with 38,534 and Treasury Department with 1,971. Larger increases were reported by Agriculture Department with 11,020, Post Office Department with 6,771, Interior Department with 3,791, Department of Health, Education, and Welfare with 1,472 and Federal Aviation Agency with 1,046. Increases in Agriculture and Interior Departments were largely seasonal.

(The June figure reflects a decrease of 40,097 in Commerce Department temporary employees engaged in taking the 18th Decennial Census. In June temporary census employees totaled 16,174, including: 12,255 enumerators, 3,319 crew leaders and 600 clerks and others.)

In the Department of Defense increases in civilian employment were reported by Department of the Navy with 2,284, Department of the Army with 1,677 and Office of the Secretary of Defense with 125. Department of the Air Force reported a decrease of 1,245.

Inside the United States civilian employment decreased 7,751 and outside the United States civilian employment decreased 2,971. Industrial employment by Federal agencies in June totaled 557,917, an increase of 2,526.

These figures are from reports certified by the agencies as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

Foreign nationals

The total of 2,382,679 civilian employees certified to the committee by Federal agencies in their regular monthly personnel reports includes some foreign nationals employed in U.S. Government activities abroad, but in addition to these there were 177,801 foreign nationals working for U.S. military agencies during June who were not counted in the usual personnel reports. The number in May was 178,299. A breakdown of this employment for June follows:

Country	Total	Army	Navy	Air Force
Belgium	3			3
England	3,251			3,251
France	22,066	17,901	4	4,161
Germany	80,128	68,112	59	11,957
Japan	62,024	20,779	15,886	25,359
Korea	6,171	6,171		
Morocco	3,537		853	2,684
Netherlands	40			40
Norway	23			23
Saudi Arabia	1			1
Trinidad	557		557	
Total	177,801	112,963	17,359	47,479

SUMMARY FOR FISCAL YEAR 1960, ENDED JUNE 30, 1960

There was a net increase of 15,688 in civilian employment by executive branch agencies of the Federal Government during fiscal year 1960 which ended June 30, 1960. The total at the end of the year was 2,382,679 as compared with 2,366,991 in June 1959. The June 1960 employment figure includes 16,174 temporary employees of the Department of Commerce engaged in taking the 18th Decennial Census.

Civilian and military agencies

There was an increase during the year of 46,697 in employment by civilian agencies of the Government (including the 16,174 temporary census employees) and a decrease of 31,009 in civilian employment by military agencies. Employment by civilian agencies at the yearend totaled 1,335,462 as compared with 1,288,765 a year ago. Civilian employment by military agencies totaled 1,047,217 as compared with 1,078,226 in June of 1959.

Inside and outside the United States

There was an increase of 41,003 in employment within the United States by Federal executive agencies (including most of the temporary census employees) and a decrease of 25,315 in employment outside the United States. Employment inside the United States as of June 30, 1960, totaled 2,224,640 as compared with 2,183,637 a year ago. Employment outside the United States as of June 30, 1960 totaled 158,039 as compared with 183,354 a year ago (1959 employment in Hawaii was reported "outside continental United States"; in 1960 it was reported "inside the United States").

Employment for the year is summarized as follows:

Federal civilian employment

[June 1959–June 1960]

	June 1959	June 1960	Increase or decrease
Total	2,366,991	2,382,679	+15,688
In civilian agencies	1,288,765	1,335,462	+46,697
In military agencies	1,078,226	1,047,217	−31,009
Inside the United States	2,183,637	2,224,640	+41,003
Outside the United States	183,354	158,039	−25,315

REPORT OF JOINT COMMITTEE ON REDUCTION OF NONESSENTIAL FEDERAL EXPENDITURES—FEDERAL STOCKPILE INVENTORIES

Mr. BYRD of Virginia. Mr. President, as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures, I submit a report on Federal stockpile inventories as of May 1960. I ask unanimous consent to have the report printed in the RECORD, together with a statement by me.

There being no objection, the report and statement were ordered to be printed in the RECORD, as follows:

FEDERAL STOCKPILE INVENTORIES, MAY 1960

INTRODUCTION

This is the sixth in a series of monthly reports on Federal stockpile inventories under the Department of Agriculture, General Services Administration, and the Office of Civil and Defense Mobilization. It is for the month of May 1960.

The report is compiled from official data on quantities and cost value of commodities in these stockpiles submitted to the Joint Committee on Reduction of Nonessential Federal Expenditures by the agencies involved.

The three agencies reported that as of May 1, 1960, the cost value of materials in their stockpile inventories totaled $15,928,426,000 and as of May 31, 1960, they totaled of $15,929,774,000, a net decrease of $1,652,000 re-

flecting acquisitions, disposals, adjustments, etc., during the month.

Different units of measure make it impossible to summarize the quantities of commodities and materials which are shown in tables 1, 2, and 3, but the cost value figures are summarized by agency and program as follows:

Summary of cost value of stockpile inventories

[In thousands]

Agency and program	Beginning of month, May 1, 1960	End of month, May 31, 1960	Net change, reflecting acquisitions, disposals, adjustments, etc.
Department of Agriculture:			
Price support program:			
Agricultural commodities	$7,250,469	$7,240,468	−$10,001
Exchange commodities—strategic and critical materials	108,192	60,344	−47,848
Total, price support program	7,358,661	7,300,812	−57,849
Defense Production Act program	3	3	
Total, Department of Agriculture	7,358,664	7,300,815	−57,849
General Services Administration: Strategic and critical materials:			
National stockpile	6,185,278	6,175,043	−10,235
Federal Facilities Corporation, tin inventory	9,519	9,519	
Defense Production Act program	1,448,547	1,453,568	+5,021
Supplemental stockpile	693,408	754,576	+61,168
Supplemental stockpile inventory in transit	60,196	60,898	+702
Total, General Services Administration	8,396,949	8,453,604	+56,655
Office of Civil and Defense Mobilization: Civil defense stockpile	172,813	172,355	−458
Grand total	15,928,426	15,926,774	−1,652

Detailed tables in this report show opening inventories at the beginning of the month in quantity and cost, transactions during the month, and the closing inventories at the end of the month. Each inventory is shown by commodity, except the national stockpile, for which commodity detail is classified.

Pertinent information and explanation are set forth in notes accompanying the respective tables. Statutory authority and program descriptions are shown in the appendix to the report.

The inventories covered by the report are tabulated in detail as follows:

Table 1: Agricultural price-support program inventories under Commodity Credit Corporation, Department of Agriculture, May 1960, including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act.

Table 2: Strategic and critical materials inventories under General Services Administration, May 1960, including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile.

Table 3: Civil defense stockpile inventory under the Office of Civil and Defense Mobilization, May 1960.

TABLE 1.—*Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, May 1960 Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*

EXPLANATORY NOTES

The Department of Agriculture defines the content of the columns as follows:

Program and commodity: Lists each commodity in the form in which it exists when extended support, and in some instances in a form to which the supported commodity is processed or converted to increase marketability. The commodities are grouped under the appropriate statutory subclassifications as "Basic," "Designated nonbasic," "Other nonbasic," and "Exchange."

Unit of measure: The applicable unit used in the accounting records and reports of the Corporation.

Inventory, beginning of month: Quantity: In number of units. Cost value: All inventories are recorded in the accounts at cost. "Cost value" is comprised of the initial cost of the commodity plus storage, handling, transportation, and accessorial expenses paid or accrued up to the date of reporting. The initial cost of inventories acquired by delivery of collateral securing loans is the unpaid balance of the notes plus storage and other charges advanced, any equities due or paid to producers on warehouse-stored collateral (by Public Law 85-835, and beginning with 1959 crop production, the Corporation will not make equity payments to borrowers on unredeemed price support loan collateral, title to which it acquires on or after maturity of the loans), and the net value of any quantity or quality differences determined upon delivery of farm-stored collateral. Amounts paid to lending agencies participating in the loan program for crop years prior to 1958 were recorded as a part of inventory cost.

Adjustments: Warehouse settlements, exchanges and transfers (net): Warehouse settlements include the net differences in quantity and/or value represented by the net of overdeliveries, premiums, underdeliveries, and discounts arising from movement of commodities. Exchanges represent the net change in quantity and/or value for inventories exchanged or in process of exchange. On completed exchanges, the change in value represents differentials due to location, quality, and quantity. Unprocessed commodities removed from inventory for conversion or processing (on a contractual or fee basis and excluding conditional sales) are included as a reduction of inventory. Processed commodities acquired as a result of this conversion or processing are included as an addition to inventory.

Acquisitions: As reflected in accounting records and reports; and includes commodities acquired by delivery of collateral securing loans, commodities purchased under terms of purchase agreements, commodities purchased directly from producers or processors as a part of the support operation but not under purchase agreements; and processed commodities acquired by purchases which offset conditional sales of unprocessed commodities from inventory. The cost value of acquisitions is described under the explanation of the cost value of inventory.

Carrying charges added to investment after acquisition: Total costs of storage, handling, transportation, and other accessorial expenses incurred during the month.

Disposals: As reflected in accounting records and reports. Inventory transactions generally are recorded on the basis of transfer of title. Disposition commitments are not reflected in the accounts. Cost value: Represents acquisition value plus applicable amount of carrying charges. The amount of cost allocated to commodities removed from inventory is determined with the view of retaining in the inventory accounts the cost of commodities remaining on hand. The cost allocated to commodities removed from price support inventory is generally computed on the basis of average unit cost of the commodity reflected in the inventory accounts for the applicable crop year and general storage location. In the case of commodities generally stored commingled (e.g., bulk grains and bulk oils) the crop year is determined on the first-in, first-out basis. In the case of commodities stored in identified lots, the crop year is determined by lot identification.

Inventory, end of month: Closing inventory after transactions for the month have been applied to the inventory at the beginning of the month.

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month								Inventory, end of the month, May 31, 1960	
				Adjustments		Acquisitions		Carrying charges added to investment after acquisition		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Storage and handling	Transportation and other	Quantity	Cost value	Quantity	Cost value
Price support program:													
Agricultural commodities:													
Basic commodities:													
Corn	Bushel	1,198,799	$2,131,944	−52	−$89	3,508	$4,038	$12,929	$1,000	14,019	$30,898	1,188,236	$2,118,924
Cornmeal	Pound					44,762	1,727	(1)	1	44,762	1,728		
Cotton, extra long staple	Bale	52	14,678					21	−1	(1)	17	52	14,681
Cotton, upland	do	5,341	937,036			2	174	2,087	−51	183	32,110	5,160	907,136
Peanuts, farmers' stock	Pound	90,153	8,359	−15,149	−2,166	25,114	2,097	201	194	8,714	305	91,404	8,380
Peanuts, shelled	do	89,032	14,283	+15,149	+2,166	1,548	187	126	77	8,647	1,320	97,082	15,519
Rice, milled	Hundredweight	2,332	25,287	(1)	(1)	38	407	89	75	337	3,807	2,033	22,051
Rice, rough	do	7,390	37,678	−1	−3	280	1,402	400	19	1,382	7,639	6,287	31,857
Tobacco	Pound	2,041	1,416			2,299	1,641	1		2,874	2,040	1,466	1,018
Wheat	Bushel	1,211,179	3,084,512	−194	−374	19,336	39,603	19,144	5,886	17,441	54,910	1,212,880	3,093,861
Wheat flour	Pound	236	12			72,703	3,901	(1)	2	72,703	3,903	236	12
Total, basic commodities			6,255,205		−466		55,177	34,998	7,202		138,677		6,213,439

See footnotes at end of table.

TABLE 1.—*Agricultural price support program inventories under Commodity Credit Corporation, Department of Agriculture, May 1960: Including agricultural commodities, strategic and critical materials acquired by exchange or barter, and special acquisitions under the Defense Production Act*—Continued

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month								Inventory, end of the month, May 31, 1960	
				Adjustments		Acquisitions		Carrying charges added to investment after acquisition		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Storage and handling	Transportation and other	Quantity	Cost value	Quantity	Cost value
Price support program—Continued													
Agricultural commodities—Continued													
Designated nonbasic commodities:													
Barley	Bushel	58,231	$70,898	−3	−$8	6,141	$5,940	$1,152	$293	2,068	$3,256	62,301	$75,019
Grain sorghum	Hundredweight	315,753	809,329	−14	−28	4,416	7,981	8,768	404	650	1,869	319,505	824,585
Honey	Pound	452	47					11		276	39	176	19
Milk and butterfat:													
Butter	do	59,101	34,674			17,512	10,144	177	39	1,893	1,163	74,720	43,871
Cheese	do	8,784	3,146			63	22	16	30	686	272	8,161	2,942
Milk, dried	do	239,133	34,150			77,838	10,519	166	453	27,239	4,239	289,732	41,049
Milk, fluid	do					68,217	2,797			68,217	2,797		
Oats	Bushel	14,010	10,598	−40	−27	2,113	1,649	191	95	1,957	1,738	14,126	10,768
Rye	do	2,805	3,715	−3	−3	982	1,054	136	60	104	150	3,680	4,812
Tung oil	Pound	22,941	4,940					6	1	66	13	22,875	4,934
Total, designated nonbasic commodities.			971,497		−66		40,106	10,623	1,375		15,536		1,007,999
Other nonbasic commodities:													
Beans, dry, edible	Hundredweight	180	1,194			9	55	21	(1)			189	1,270
Flaxseed	Bushel	29	88			21	65	1	(1)	6	19	44	135
Linseed oil	Pound	30,652	3,717					11		30,615	3,723	37	5
Soybeans	Bushel	7,972	18,768	−1	−1	34	65	85	2	573	1,299	7,432	17,620
Total, other nonbasic commodities			23,767		−1		185	118	2		5,041		19,030
Total, agricultural commodities			7,250,469		−533		95,468	45,739	8,579		159,254		7,240,468
Exchange commodities: [2]													
Strategic and critical materials:													
Aluminum oxide, abrasive, crude	Pound	46,107	2,968			9,671	616	2	6	37,147	2,390	18,631	1,202
Antimony, metal	do	1,286	299			1,192	274	1	1	1,154	268	1,324	307
Asbestos, amosite	do	4,796	610			1,200	134			4,797	605	1,199	139
Asbestos, crocidolite	do	4,440	713				14	1	1	4,440	729		
Bauxite	do	2,108,507	13,365			257,182	1,980	35	21	259,467	1,916	2,106,222	13,485
Bismuth	do	60	126			240	505					300	631
Beryllium copper master alloy	do	1,071	2,143			274	549			734	1,469	611	1,223
Borate	Carat	1,500	3,825							101	258	1,399	3,567
Cadmium	Pound	277	350									277	350
Chrome ore, chemical grade	do	187,307	1,667			22,256	207	7	2	24,548	229	185,015	1,654
Chrome ore, refractory grade	do	11,812	161			13,103	168	2				24,915	331
Chrome ore, Turkish, metallurgical	do	46,972	1,244				8	−7		46,972	1,245		
Chromium metal	do	1,476	1,422			−49	−45	3	1	1,303	1,260	124	121
Colemanite, Turkish boron minerals	do	16,114	419				3	1		11,491	302	4,623	125
Columbite	do	190	136				8	1				190	145
Diamonds	Carat	992	13,966			58	832			593	7,343	457	7,451
Ferrochrome, high carbon	Pound	94,922	16,979			10,493	1,821	8	53	84,393	15,200	21,022	3,661
Ferrochrome, low carbon	do	45,056	9,604			1,670	405	12	13	45,050	9,663	1,676	371
Ferromanagnese	do	1,492	142							1,492	142		
Fluorspar, acid grade	do	36,322	662			−14		8	1	36,308	671		
Fluorspar, metallurgical grade	do	65,057	931			3,595	41	1	23			68,652	996
Lead	do	10,047	1,021							10,047	1,021		
Manganese ore, chemical grade	do	49,852	2,060							2,365	96	47,487	1,964
Manganese ore, metallurgical grade	do	558,352	11,397			81,698	1,780	3	258			650,050	13,438
Manganese ore, natural, battery grade	do	44,815	2,207			6,844	361					51,659	2,568
Mica	do	44	81			16	36			43	81	17	36
Quartz crystals	do	98	1,525			10	156	6	1			108	1,688
Silicon carbide	do	20,165	1,900			3,058	279	2	21	17,051	1,610	7,172	592
Thorium nitrate	do	1,630	3,740					1	3	1,320	3,032	310	712
Tin	do	9,182	9,282			1,881	1,855	2	2	9,171	9,281	1,892	1,860
Titanium sponge	do	2,200	2,907			540	724			1,500	2,135	1,240	1,496
Zinc	do	2,851	340					7	10	1,000	126	1,851	231
Total, strategic and critical materials.			108,192				12,711	96	417		61,072		60,344
Total, price-support program			7,358,661		−533		108,179	45,835	8,996		220,326		7,300,812
Defense Production Act inventory: Cotton, American-Egyptian.	Bale	(1)	3									(1)	3
Total, Department of Agriculture			7,358,664		−533		108,179	45,835	8,996		220,326		7,300,815

[1] Less than 500.

[2] See appendix for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities.

NOTE.—Figures are rounded and may not add to totals.

TABLE 2.—*Strategic and critical materials inventories under General Services Administration, May 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*

EXPLANATORY NOTES

The General Services Administration defines the content of the columns as follows:

Program and commodity: Identifies the program and the minerals, metals, fibers, and oils acquired under the program.

Unit of measure: The standard weight or measure of minerals, metals, fibers, and oils determined to be the stockpile unit of measure.

Inventory, beginning of month: Opening inventory represents quantity and cost of material in storage at the beginning of the accounting period.

Adjustments: Represents increases (+) or decreases (−) of material in inventory other than increases from acquisitions or decreases from disposals. Decreases occur from theft, loss incurred while in transit to stockpile location, repacking from one type of container to another, beneficiation of a low-grade material to a higher grade, and the removal of material for sampling and testing purposes. Increases occur from return of material previously removed for sampling and testing purposes and from quantities received at storage locations in excess of quantities billed by the contractor. A new chemical analysis of the materials may cause an increase or decrease where the weights are based on chemical and moisture content. Increases or decreases are also made from findings of audits of inventory and accounting records.

Acquisitions: For the National Stockpile and Defense Production Act acquisitions include open market purchases at contract prices; intradepartmental transfers at market or appraised value at time of transfer; transportation to first permanent storage location; and, beneficiating and processing cost in upgrading materials. For the supplemental stockpile acquisitions include the market value or CCC's acquisition cost whichever is the lower at time of transfer from CCC.

Disposals: Cost of disposals are calculated at the average unit price of inventory at time of removal from inventory. For the national stockpile inventory disposals consist of sale of materials that by their nature would deteriorate if held in storage for lengths of time; and, sale of materials that have been determined to be obsolete or excess to the needs of Government. For the Defense Production Act inventory disposals consist of sale of materials that have been determined to be obsolete or excess to the needs of Government.

Inventory, end of month: Closing inventory represents quantity and cost of material in storage at the end of the accounting period.

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month						Inventory, end of month, May 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value
National stockpile, total (classified detail omitted)			$6,185,278		+$99		$2,441		$12,775		$6,175,043
Federal Facilities Corporation: Total, tin	Long ton	4	9,519							4	9,519
Defense Production Act:											
Aluminum	Short ton	729	369,050			3	1,287			731	370,338
Asbestos, chrysotile	Short dry ton	2	2,103							2	2,103
Bauxite, metal grade, Jamaica type	Long dry ton	1,370	18,168							1,370	18,168
Beryl	Short ton	2	1,011			(1)	17			2	1,028
Bismuth	Pound	23	52							23	52
Chromite, metallurgical grade	Short dry ton	816	29,632			14	492			830	30,124
Cobalt	Pound	23,575	49,315			126	248			23,701	49,563
Columbite	do	10,506	50,591			54	475			10,560	51,066
Copper	Short ton	136	75,644							136	75,644
Cryolite	do	39	10,676							39	10,676
Fluorspar, acid grade	Short dry ton	20	1,394							20	1,394
Graphite, lubricating	Short ton	(1)	163					(1)	20	(1)	143
Lead	do	8	3,036							8	3,036
Manganese, battery grade, synthetic dioxide	Short dry ton	4	2,524							4	2,524
Manganese, metallurgical grade	do	2,971	171,366			43	1,845	25	494	2,989	172,716
Mica, muscovite block and film	Pound	5,792	31,850			77	551			5,868	32,401
Nickel	do	133,484	119,684			4,967	3,739	4,753	3,154	133,698	120,269
Palladium	Troy ounce	8	177							8	177
Rare earth residue	Pound	6,181	662							6,181	662
Rutile	Short dry ton	8	1,587			2	340			10	1,927
Thorium	Pound	847	42							847	42
Tantalite	do	1,529	9,734							1,529	9,734
Tin	Long ton	(1)	634					(1)	262	(1)	372
Titanium	Short ton	22	167,652							22	167,652
Tungsten	Pound	79,810	325,461							79,810	325,461
Subtotal, DPA commodities			1,442,209				8,995		3,931		1,447,273
Machine tools inventory:											
In storage	Tool	(1)	1,904					(1)	43	(1)	1,861
On lease	do	(1)	4,410							(1)	4,410
On loan	do	(1)	25							(1)	25
Subtotal, DPA machine tools			6,338						43		6,295
Total, Defense Production Act			1,448,547				8,995		3,974		1,453,568
Supplemental stockpile: [2]											
Aluminum oxide, fused, crude	Short ton	101	12,784							101	12,784
Antimony, metal	do	7	3,973			1	362			8	4,335
Asbestos, chrysotile	Short dry ton	5	3,499							5	3,499
Bauxite, metal grade, Jamaica type	Long dry ton	1,865	28,656			256	3,601			2,121	32,257
Bauxite, metal grade, Surinam type	do	475	7,300			106	1,543			581	8,843
Beryl	Short ton	7	14,252			(1)	1,103			7	15,355
Bismuth	Pound	1,146	2,579							1,146	2,579
Cadmium	do	6,248	10,479			84	103			6,332	10,582
Chromite, chemical grade	Short dry ton	17	10,855			2	1,259			19	12,113
Chromite, metallurgical grade	do	1,035	162,035			40	7,061			1,075	169,096
Chromite, refractory grade	do	153	4,382		−58					153	4,324
Cobalt	Pound	1,077	2,169							1,077	2,169
Colemanite	Long dry ton	40	1,740			5	100			44	1,839
Colombite	Pound	34	190							34	190
Copper	Short ton	9	6,262			(1)	197			9	6,459
Diamond, industrial: stones	Carat	7,010	91,823			2,149	24,149			9,159	115,973
Fluorspar, acid grade	Short dry ton	445	24,465			18	794			463	25,259
Graphite, natural, Ceylon, amorphus lump	do	1	341							1	341
Iodine	Pound	242	231							242	231
Lead	Short ton	192	52,342			25	5,060			217	57,402
Manganese, battery grade, natural	Short dry ton	35	3,313		+21					35	3,334
Manganese, chemical grade, type B	do	17	1,340							17	1,340
Manganese, metallurgical grade	do	1,048	100,455			2	230			1,050	100,685
Mercury	Flask	16	3,397		+50					16	3,446
Mica, muscovite block, strained and better	Pound	197	584			60	103			257	687
Mica, muscovite film	do	26	203	(1)		1	4			26	207
Mica, muscovite splittings	do	4,565	5,584			242	296			4,806	5,879
Mica, phlogopite splittings	do					197	162			197	162
Palladium	Troy ounce	488	8,798			60	1,028			548	9,826
Quartz crystals	Pound	82	1,099							82	1,099
Rare earths	Short dry ton	2	2,427							2	2,427
Ruthenium	Troy ounce	15	533		+27					15	560
Selenium	Pound	60	519			97	618			157	1,037
Silicon carbide, crude	Short ton	53	10,409			11	2,083			64	12,492

See footnotes at end of table.

TABLE 2.—*Strategic and critical materials inventories under General Services Administration, May 1960: Including materials in the national stockpile, Federal Facilities Corporation tin inventory, Defense Production Act purchase program, the supplemental stockpile of materials acquired by exchange or barter of agricultural commodities, etc., and inventory in transit from Commodity Credit Corporation to the supplemental stockpile*—Continued

[In thousands]

Program and commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month						Inventory, end of month, May 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value
Supplemental stockpile—Continued											
Tantalite	Pound	8	$45							8	$45
Thorium nitrate	do	1,200	2,698			1,250	$3,015			2,450	5,713
Tin	Long ton					2	4,326			2	4,326
Titanium	Short ton	5	21,059		+$31					5	21,090
Tungsten	Pound	4,485	15,627							4,485	15,627
Zinc	Short ton	306	75,067			16	3,902			322	78,969
Total, supplemental stockpile			693,408		+71		61,097				754,576
Supplemental stockpile inventory in transit:											
Aluminum oxide, fused, crude	Short dry ton					19	2,390			19	2,390
Antimony metal	Short ton	1	362			1	268	1	$362	1	268
Asbestos	do					5	1,334			5	1,334
Bauxite	Long dry ton	398	5,801			130	1,916	398	5,801	130	1,916
Beryllium copper master alloy	Short ton	(1)	1,244			(1)	1,469	(1)	1,244	(1)	1,469
Cadmium	Pound	84	113					84	113		
Chromite, chemical grade	Short dry ton					12	230			12	230
Chromite, metallurgical grade	do					23	1,245			23	1,245
Chromium metal	Short ton	1	979			1	1,260	1	979	1	1,260
Colemanite	Long dry ton	5	275			1	302	5	275	1	302
Diamond, industrial: bort	Carat					101	258			101	258
Diamond, industrial: stone	do	2,149	24,149			593	7,343	2,149	24,149	593	7,343
Ferrochrome, high carbon	Short ton	11	3,962			42	15,200	11	3,962	42	15,200
Ferrochrome, low carbon	do	5	2,153			23	9,663	5	2,153	23	9,633
Ferromanganese	do	1	167			1	142	1	167	1	142
Fluorspar, acid grade	Short dry ton	19	718			18	671	19	718	18	671
Lead	Short ton	25	4,899			5	1,021	25	4,899	5	1,021
Manganese ore	Short dry ton					1	96			1	96
Mica	Pound	499	860			43	82	499	860	43	82
Palladium	Troy ounce	60	1,016					60	1,016		
Selenium	Pound	97	618					97	618		
Silicon carbide, crude	Short dry ton	11	1,944			9	1,610	11	1,944	9	1,610
Thorium nitrate	Pound	1,254	2,837			1,320	3,032	1,254	2,837	1,320	3,032
Tin	Long ton	2	4,325			4	9,181	2	4,325	4	9,181
Titanium sponge	Short ton					1	2,059			1	2,059
Zinc	do	16	3,776			1	126	16	3,776	1	126
Total supplemental stockpile inventory in transit			60,196				60,898		60,196		60,898
Total, General Services Administration			8,396,949		+169		133,431		76,945		8,453,604

[1] Less than 500.

[2] See appendix, p. 15, for notes relating to reporting of strategic and critical materials acquired by exchange or barter of agricultural commodities

NOTE.—Figures are rounded and may not add to totals.

TABLE 3.—*Civil defense stockpile inventory under the Office of Civil and Defense Mobilization, May 1960*

EXPLANATORY NOTES

The Office of Civil and Defense Mobilization defines the content of the columns as follows:

Commodity: Composite groups of many different items.

Unit of measure: Shown only for engineering supply units and hospital functional units; not feasible by other composite groups.

Inventory-quantity: Shown only for two items, namely, engineering supply units and civil defense emergency hospital functional units. It is not feasible to furnish quantity figures on the other commodity groups because they are composite groups of many different items. To report quantities, it would be necessary to list several hundred different items.

Inventory-cost value: The dollar value figures on commodities in the civil defense stockpile inventory reflect essentially the actual costs of the commodities. No transportation, delivery, or storage costs are included. However, these statements should be qualified by the fact that the total inventory includes Government excess property items valued at over $2 million (a little more than 1 percent of the total), which were acquired by Office of Civil and Defense Mobilization at little or no cost. These materials are received into the inventory on one of three value bases: Items similar or identical to items purchased in the open market for stockpile purposes are accepted at the average unit cost for similar items purchased; the remaining items are accepted at a current fair value, if such has been determined, or at the original acquisition cost to the Federal Government, if a current fair value has not been determined.

Adjustments: Represents inventory pricing adjustments resulting from recalculation of fixed average unit prices transfers of commodities from one composite group to another, etc., during the month.

Acquisitions: Materials placed in inventory during the month, including return to inventory of items previously released from inventory for reworking, etc. Value stated in terms of actual costs of the commodities.

Disposals: Materials removed from inventory during the month, including items released from inventory for reworking, etc. Value stated in terms of average unit costs.

Inventory at end of month: Closing inventory after transactions for the month have been applied to the inventory at the beginning of the month.

[In thousands]

Commodity	Unit of measure	Inventory, beginning of month, May 1, 1960		Transactions during the month						Inventory, end of month, May 31, 1960	
				Adjustments		Acquisitions		Disposals			
		Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value	Quantity	Cost value
Engineering stockpile (engine generators, pumps, chlorinators, purifiers, pipe and fittings).	10-mile units	(1)	$6,838		[2] −$109					(1)	$6,729
Medical bulk stocks and associated items at OCDM locations.			103,127		−1,112		$77		[3] $81		102,011
Medical bulk stocks at manufacturer locations			4,122		−4						4,118
Chemical and biological equipment			842		[2] +3				[4] 7		838
Radiological equipment			5,992		[2] +114		197		[4] 40		6,263
Civil defense emergency hospital functional units	Each	2	38,506							2	38,506
Replenishment units for hospitals			13,387		+504						13,891
Total, civil defense stockpile			172,813		−605		274		128		172,355

[1] Less than 500.

[2] Adjustment resulting from change in accounting procedure to exclude from the total valuation those stocks for which payment has been made but which have not yet been received, and to include those stocks which have been received but for which payment has not been made.

[3] Inventory writeoff (certificate of destruction).

[4] Granted to States and to other Federal agencies.

NOTE.—Figures are rounded and may not add to totals.

APPENDIX

U.S. Department of Agriculture—Commodity Credit Corporation

The Price-Support Program

Price-support operations are carried out under the Corporation's charter powers (15 U.S.C. 714), in conformity with the Agricultural Act of 1949 (7 U.S.C. 1421), the Agricultural Act of 1954 (7 U.S.C. 1741), which includes the National Wool Act of 1954, the Agricultural Act of 1956 (7 U.S.C. 1442), the Agricultural Act of 1958, and with respect to certain types of tobacco, in conformity with the act of July 28, 1945, as amended (7 U.S.C. 1312). Under the Agricultural Act of 1949, price support is mandatory for the basic commodities—corn, cotton, wheat, rice, peanuts, and tobacco—and specific nonbasic commodities—namely, tung nuts, honey, milk, butterfat, and the products of milk and butterfat. Under the Agricultural Act of 1958, as producers of corn voted in favor of the new price-support program for corn authorized by that act, price support is mandatory for barley, oats, rye, and grain sorghums. Price support for wool and mohair is mandatory under the National Wool Act of 1954, through the marketing year ending March 31, 1962. Price support for other nonbasic agricultural commodities is discretionary, except that whenever the price of either cottonseed or soybeans is supported the price of the other must be supported at such level as the Secretary determines will cause them to compete on equal terms on the market. This program may also include operations to remove and dispose of or aid in the removal or disposition of surplus agricultural commodities for the purpose of stabilizing prices at levels not in excess of permissible price-support levels.

Price support is made available through loans, purchase agreements, purchases, and other operations, and, in the case of wool and mohair, through incentive payments based on marketings. The producer's commodities serve as collateral for price-support loans. With limited exceptions, price-support loans are nonrecourse, and the Corporation looks only to the pledged or mortgaged collateral for satisfaction of the loan. Purchase agreements generally are available during the same period that loans are available. By signing a purchase agreement, a producer receives an option to sell to the Corporation any quantity of the commodity which he may elect within the maximum specified in the agreement.

The major effect on budgetary expenditures is represented by the disbursements for price-support loans. The largest part of the commodity acquisitions under the program result from the forfeiting of commodities pledged as loan collateral for which the expenditures occurred at the time of making the loan, rather than at the time of acquiring the commodities.

Dispositions of commodities acquired by the Corporation in its price-support operations are made in compliance with sections 202, 407, and 416 of the Agricultural Act of 1949, and other applicable legislation, particularly the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1691), title I of the Agricultural Act of 1954, title II of the Agricultural Act of 1956, the Agricultural Act of 1958, the act of August 19, 1958, in the case of cornmeal and wheat flour, and the act of September 21, 1959, with regard to sales of livestock feed in emergency areas.

Defense Production Act Program

The programs authorized by and certified to the Secretary of Agriculture under the provisions of the Defense Production Act are administered and operated through the Commodity Credit Corporation.

All present and past programs involve the acquisition and disposition of agricultural commodities or products thereof. Commodities acquired are entered in and maintained through the inventory accounts of the Corporation. As the commodities are disposed of, the realized gains or losses are recorded by CCC as a receivable against the Secretary of Agriculture. Administrative expenses of the Corporation are recorded in this receivable; and interest is computed monthly on the total amount of CCC's investment at the same rate per annum as that paid by the Corporation on its borrowings from the Treasury.

The net total of realized gains and losses, CCC's administrative expenses, and CCC's interest expense represented a payable item under the revolving fund.

The recording of realized gains or losses represents a cash basis, inasmuch as the amounts recorded represent the net results of actual dispositions. Values of inventories on hand at reporting date are not included in these fund accounts and, therefore, allowances for losses are not included. Administrative and interest expenses are accounted for on an accrual basis. All values are at cost.

When a program is completed, the Secretary of Agriculture secures funds by issuing interest-bearing notes to the Treasury and reimburses CCC. Interest on the notes issued by the Secretary is accrued monthly, compounded semiannually, as an accrued liability of the revolving fund.

General Services Administration—Strategic and critical materials stockpiling and related programs

1. National Stockpile

The Strategic and Critical Materials Stock Piling Act (50 U.S.C. 98–98h) provides for the establishment and maintenance of a national stockpile of strategic and critical materials. GSA is responsible for making purchases of strategic and critical materials and providing for their storage, security, and maintenance. These functions are performed in accordance with directives issued by the Director of the Office of Civil and Defense Mobilization. The act also provides for the transfer from other Government agencies of strategic and critical materials which are excess to the needs of such other agencies and are required to meet the stockpile objectives established by OCDM. In addition, GSA is responsible for disposing of those strategic and critical materials which OCDM determines to be no longer needed for stockpile purposes.

General policies for strategic and critical materials stockpiling are contained in DMO V–7, issued by the Director of the Office of Civil and Defense Mobilization and published in the Federal Register of December 19, 1959 (24 F.R. 10309). Portions of this order relate also to Defense Production Act inventories.

2. Tin Received From Federal Facilities Corporation

Public Law 608, 84th Congress (50 U.S.C. 98 note), provided, among other things, for the continuation of operation of the Government-owned tin smelter at Texas City, Tex., from June 30, 1956, until January 31, 1957. It provided also that all tin acquired by the Federal Facilities Corporation by reason of such extension should be transferred to GSA.

3. Defense Production Act

Under section 303 of the Defense Production Act of 1950 (50 U.S.C. App. 2093) and Executive Order 10480, as amended, GSA is authorized to make purchases of or commitments to purchase metals, minerals, and other materials, for Government use or resale, in order to expand productive capacity and supply, and also to store the materials acquired as a result of such purchases or commitments. Such functions are carried out in accordance with programs certified by the Director of the Office of Civil and Defense Mobilization.

4. Supplemental Stockpile

As a result of a delegation of authority from OCDM (32A C.F.R., ch. I, DMO V–4) GSA is responsible for the maintenance and storage of materials placed in the supplemental stockpile. Section 206 of the Agricultural Act of 1956 (7 U.S.C. 1856) provides that strategic and other materials acquired by the Commodity Credit Corporation as a result of barter or exchange of agricultural products, unless acquired for the national stockpile or for other purposes, shall be transferred to the supplemental stockpile established by section 104(b) of the Agricultural Trade Development and Assistance Act of 1954 (7 U.S.C. 1704(b)). In addition to the materials which have been or may be so acquired, the materials obtained under the programs established pursuant to the Domestic Tungsten, Asbestos, Fluorspar, and Columbium-Tantalum Production and Purchase Act of 1956 (50 U.S.C. App. 2191–2195), which terminated December 31, 1958, have been transferred to the supplemental stockpile, as authorized by the provisions of said Production and Purchase Act.

Office of Civil and Defense Mobilization—Civil defense stockpile program

This stockpiling program, under authorization of Public Law 920, 81st Congress, section 201(h), is designed to provide some of the most essential medical and engineering supplies for emergency use in event of enemy attack. Materials and equipment not normally available or not present in the quantities needed to cope with such conditions are stockpiled at strategic locations. The Office of Civil and Defense Mobilization stockpile procured to date including medical supplies, emergency engineering equipment, and radiological instruments is stored and maintained in a nationwide warehouse system consisting of medical and general storage facilities.

EXPLANATORY NOTES RELATING TO THE REPORTING OF STRATEGIC AND CRITICAL MATERIALS ACQUIRED BY EXCHANGE OR BARTER OF AGRICULTURAL COMMODITIES

Surplus agricultural commodities in the Commodity Credit Corporation's price-support inventory may be exchanged or bartered for strategic and critical materials under the Agricultural Trade Development and Assistance Act of 1954 (Public Law 480), and other basic legislation including the CCC Charter Act, as amended, the Agricultural Act of 1954, and the Agricultural Act of 1956.

Except for small amounts which may go to the national stockpile, the strategic and critical materials acquired by Commodity Credit Corporation under the barter program are transferred to the supplemental stockpile.

Direct appropriations reimburse Commodity Credit Corporation for materials so transferred from the price-support inventory.

The General Services Administration is charged with the custody and management of strategic and critical materials, and becomes the responsible reporting agency when title to these bartered materials is placed in the supplemental stockpile.

For purposes of this report, strategic and critical materials acquired by barter may appear in three inventories, reflecting the stages of the transfer of title.

1. The Department of Agriculture reports those to which the Commodity Credit Corporation still has title, prior to transfer to the supplemental stockpile.

2. The General Services Administration reports those which have been transferred from the Commodity Credit Corporation exchange inventory in two parts:

A. Materials for which title is "in transit" from Commodity Credit Corporation to the supplemental stockpile.

B. Materials for which title has passed to the supplemental stockpile.

STATEMENT BY SENATOR BYRD OF VIRGINIA

The cost value of materials in nine Federal stockpile inventories as reported by the Agriculture Department, General Services Administration, and Office of Civil and Defense Mobilization, on May 31, 1960, totaled $15,926,774,000. May activity in these stockpiles resulted in a net decrease of $1,652,000.

Net change in these stockpile inventories reflects acquisitions, disposals, and adjustments. May activity and end-of-the-month totals are summarized:

[In thousands]

Inventories by agency and program	Cost value, May 1960	
	Net change during month	Total, end of month
Department of Agriculture:		
Price support program:		
1. Agricultural commodities	−$10,001	$7,240,468
2. Exchange, strategic and critical materials	−47,848	60,344
Total, price support program	−57,849	7,300,812
3. Defense Production Act program		3
Total, Department of Agriculture	−57,849	7,300,815
General Services Administration:		
Strategic and critical materials:		
4. National stockpile	−10,235	6,175,043
5. Federal Facilities Corporation, tin inventory		9,519
6. Defense Production Act program	+5,021	1,453,568
7. Supplemental stockpile	+61,168	754,576
8. Supplemental stockpile inventory in transit	+702	60,898
Total, General Services Administration	+56,655	8,453,604
Office of Civil and Defense Mobilization:		
9. Civil defense stockpile	−458	172,355
Grand total	−1,652	15,926,774

These figures are from reports certified by the agencies involved as compiled by the Joint Committee on Reduction of Nonessential Federal Expenditures.

STORAGE AND HANDLING

This month for the first time the report includes a column showing storage and handling costs as reported by Commodity Credit for its price support inventory. These costs for May totaled $45,739,000. It should be noted that these storage costs are for only two of the nine stockpiles covered by the report. Effort is being made to extend reporting to show storage costs inall inventories.

INCREASES AND DECREASES

Major net decreases in cost value during May were reported as follows: $30 million in cotton; $13 million in corn; and $10 million in the national stockpile. These were partially offset by major net increases including $16 million in milk and butterfat; $15 million in grain sorghum; and $9 million in wheat.

AGRICULTURAL COMMODITIES

Of 23 agricultural commodities in Commodity Credit's $7.2 billion price support inventory on May 31, 1960, those leading in cost value include:

Wheat, with 1.2 billion bushels at a cost of $3.1 billion;

Corn, with 1.2 billion bushels at a cost of $2.1 billion; and

Cotton, with more than 5.2 million bales at a cost of $922 million.

STRATEGIC AND CRITICAL MATERIALS

Strategic and critical materials are shown in six inventories totaling $8.5 billion, including the $6.2 billion national stockpile for which itemized detail is classified. Combined figures from the other five inventories show materials (in all grades and forms) leading in cost value as follows:

Aluminum, bauxite, etc., with 6.1 million tons at a cost of $461 million;

Tungsten, with 84 million pounds at a cost of $341 million; and

Manganese (and ores), with 4.5 million tons at a cost of $299 million.

CIVIL DEFENSE SUPPLIES AND EQUIPMENT

The civil defense stockpile is shown in seven composite groups totaling $172 million. More than 60 percent is in medical bulk stocks valued at $106 million.

EXECUTIVE REPORT OF A COMMITTEE

As in executive session,

The following favorable report of a nomination was submitted:

By Mr. CHAVEZ, from the Committee on Public Works:

Col. Herbert N. Turner, Corps of Engineers, to be a member and secretary of the California Debris Commission.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. KEATING:

S. 3852. A bill to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements; to the Committee on the Judiciary.

(See the remarks of Mr. KEATING when he introduced the above bill, which appear under a separate heading.)

By Mr. YOUNG of North Dakota:

S. 3853. A bill to authorize the Secretary of the Army to convey certain lands located in Burleigh County, N. Dak., to the city of Bismarck, N. Dak.; to the Committee on Armed Services.

By Mr. PROXMIRE:

S. 3854. A bill for the relief of Mr. and Mrs. Laszlo Segesdi; to the Committee on the Judiciary.

By Mr. FULBRIGHT:

S. 3855. A bill to increase the authorization for appropriations for the President's mutual security contingency fund for the fiscal year 1961, and for other purposes; placed on the calendar.

(See the reference to the above bill when reported by Mr. FULBRIGHT, which appears under the heading "Reports of a Committee".)

By Mr. BARTLETT:

S. 3856. A bill to convey Fort Amezquita Military Reservation, P.R., to the Commonwealth of Puerto Rico; to the Committee on Armed Services.

S. 3857. A bill for the relief of Marlys E. Tedin; to the Committee on the Judiciary.

By Mr. BRIDGES:

S. 3858. A bill for the relief of Hsien-Chi Tseng; to the Committee on the Judiciary.

By Mr. EASTLAND:

S. 3859. A bill for the relief of Willie Lee Young and Minnie May Kees; to the Committee on Interior and Insular Affairs.

CONCURRENT RESOLUTION

PROVISION OF FOOD TO NEEDY PEOPLES IN MEMBER STATES OF THE UNITED NATIONS

Mr. FULBRIGHT, by request, submitted a concurrent resolution (S. Con. Res. 114) expressing the support of the Congress for a United States initiative in the United Nations looking toward the development of plans whereby all members of the United Nations can work through the United Nations system to provide substantial quantities of available foods to needy peoples in member states, which was referred to the Committee on Foreign Relations.

(See the above concurrent resolution printed in full when submitted by Mr. FULBRIGHT, by request, which appears under a separate heading.)

RESOLUTION

Mr. FULBRIGHT, from the Committee on Foreign Relations, reported an original resolution (S. Res. 360) authorizing the printing of the "Legislative History of the Committee on Foreign Relations, U.S. Senate, 86th Congress" as a Senate document, which was referred to the Committee on Rules and Administration.

(See the above resolution printed in full when reported by Mr. FULBRIGHT, which appears under the heading "Reports of Committees".)

SIMPLIFICATION OF PAYMENTS OF CERTAIN JUDGMENTS AND SETTLEMENTS

Mr. KEATING. Mr. President, I introduce, for appropriate reference, a bill to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements. The purpose of the bill is to provide a simplified procedure for the payment of judgments against the United States, of State and foreign courts, and for the payment of compromise settlements in cases against the United States. Under the provisions of the bill such judgments and compromise settlements would be paid in the same manner as judgments rendered by district courts against the United States under present law.

Under the present law, judgments—not in excess of $100,000 in any one case—rendered by the district courts against the United States are paid out of moneys in the Treasury upon certification of the Comptroller General. On the other hand, judgments of a State or foreign court against the United States and settlements by the Attorney General are presently payable only by the enactment of specific appropriations legislation except in a case in which the agency whose activities gave rise to the litigation has an appropriation which may be properly charged with this type of expense.

The bill is strongly recommended by the Department of Justice, the Department of State, and the other interested Government agencies. The Department of Justice pointed out in its report that enactment of the bill would enable the Government to "realize substantial savings of interest payable on judgments" and "advantageously to settle cases which cannot now be compromised."

This bill does not and is not intended to wave any immunity from suit of the United States. It also provides that judgments of State and Foreign courts shall only be paid after certification by the Attorney General that it is in the interest of the United States to pay the

same, thus precluding automatic payment in cases in which such judgments are considered to have been improperly rendered.

A similar bill is now pending in the other body and has been favorably reported by the House Committee on the Judiciary. I do not know of any objections to the bill and I hope it will be speedily approved.

The PRESIDENT pro tempore. The bill will be received and appropriately referred.

The bill (S. 3852) to simplify the payment of certain miscellaneous judgments and the payment of certain compromise settlements, introduced by Mr. KEATING, was received, read twice by its title, and referred to the Committee on the Judiciary.

PROVISION OF FOOD TO NEEDY PEOPLES IN MEMBER STATES OF THE UNITED NATIONS

Mr. FULBRIGHT. Mr. President, by request, I submit, for appropriate reference, a concurrent resolution which would express the support of the Senate for a U.S. initiative in the United Nations looking toward the development of plans whereby all members of the United Nations can work through the United Nations system to provide substantial quantities of available foods to needy peoples in member States.

This proposal has been requested by the Secretary of State in a letter to the Vice President of August 12, 1960, and I am submitting it in order that there may be a specific resolution to which Members of the Senate and the public may direct their attention and comments.

I reserve my right to support or oppose this concurrent resolution, as well as any suggested amendments to it, when the matter is considered by the Committee on Foreign Relations.

I ask unanimous consent that the concurrent resolution be printed in the RECORD at this point, together with the letter from the Secretary of State to the Vice President with regard to it.

The PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred, and under the rule, will be printed in the RECORD; and, without objection, the letter will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 114) expressing the support of the Congress for a U.S. initiative in the United Nations looking toward the development of plans whereby all members of the United Nations can work through the United Nations system to provide substantial quantities of available foods to needy peoples in member States, was referred to the Committee on Foreign Relations, as follows:

Whereas the United States has an abundance of food more than adequate to meet the needs of its own people; and

Whereas the peoples of many less fortunate nations suffer from shortages of food, which cause human suffering and retard economic progress; and

Whereas it is the tradition of the United States and consistent with its humanitarian ideals to draw upon its resources to relieve the suffering of needy peoples in other nations and to assist them in their efforts toward a better life; and

Whereas the United States has undertaken a food for peace program and has joined with the other members of the Food and Agriculture Organization of the United Nations in supporting the freedom from hunger campaign; and

Whereas the United Nations and the Food and Agriculture Organization of the United Nations are in a position to play an important role in the making available of food for needy peoples: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That the Congress of the United States supports the intention of the President of the United States to express at the forthcoming session of the General Assembly of the United Nations the willingness of the United States to continue furnishing food to less favorably situated peoples and also to join with other members of the United Nations and specialized agencies in developing plans whereby all members able to do so can work through the United Nations system to provide, without disturbing normal markets, substantial quantities of available foods to needy peoples in member states.

The letter presented by Mr. FULBRIGHT is as follows:

DEPARTMENT OF STATE,
Washington, D.C., August 12, 1960.

The Honorable RICHARD M. NIXON,
President of the Senate.

DEAR MR. VICE PRESIDENT: The President, in his message to the Congress on August 8, referred to "a proposal to be presented in September before the General Assembly of the United Nations, whereby we and other fortunate nations can, together, make greater use of our combined agricultural abundance to help feed the hungry of the world" and asked that Congress prior to the convening of the United Nations Assembly approve a resolution endorsing such a proposal.

I am transmitting herewith for the consideration of the Congress a draft resolution expressing its support for a United States initiative in the United Nations looking toward the development of plans whereby all members of the United Nations can work through the United Nations system to provide substantial quantities of available foods to needy peoples in member states.

Adoption of such a resolution by the Congress would measurably strengthen the position of the United States in making such a proposal and I earnestly hope that favorable action will be taken by the Congress at this time.

Most sincerely,

CHRISTIAN A. HERTER.

PRINTING OF REVIEW OF REPORT ON GILA RIVER AND TRIBUTARIES, TUCSON, ARIZ. (S. DOC. NO. 116)

Mr. CHAVEZ. Mr. President, I present a letter from the Secretary of the Army, transmitting a report dated July 19, 1960, from the Chief of Engineers, Department of the Army, together with accompanying papers and illustrations, on a review of report on Gila River and tributaries in the vicinity of Tucson, Ariz., requested by resolution of the Committee on Public Works, U.S. Senate. I ask unanimous consent that the report be printed as a Senate Document, with illustrations, and referred to the Committee on Public Works.

The PRESIDENT pro tempore. Without objection, it is so ordered.

NOTICE OF HEARING ON NOMINATION OF FRASER WILKINS TO BE AMBASSADOR TO THE REPUBLIC OF CYPRUS

Mr. FULBRIGHT. Mr. President, on behalf of the Committee on Foreign Relations, I desire to announce that the Senate today received the nomination of Fraser Wilkins, of Nebraska, to be Ambassador to the Republic of Cyprus.

In accordance with the committee rule, the pending nomination may not be considered prior to the expiration of 6 days.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE RECORD

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the RECORD, as follows:

By Mr. GORE:

Keynote address delivered by Senator CHURCH at the Democratic National Convention, on July 11, 1960, and editorial comment.

By Mr. HAYDEN:

Address to be delivered by Senator ROBERTSON at the convention of the Virginia State Sheriffs' and City Sergeants' Association, Richmond, Va.

By Mr. DOUGLAS:

Statement by him, to be delivered at the silver anniversary convention of the Catholic War Veterans of the United States of America, meeting this week in Chicago, Ill.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

The PRESIDENT pro tempore. The question is on agreeing to the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. JOHNSON of Texas. Mr. President, I suggest the absence of a quorum.

The PRESIDENT pro tempore. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. MCGEE in the chair). Without objection, it is so ordered.

REQUEST FOR AUTHORITY FOR COMMITTEES TO MEET DURING SENATE SESSION

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the Judiciary Committee; the Subcommittee on Investigations of the Government Operations Committee; the Subcommittee on Agricultural Investigations of the Committee on Agriculture and Forestry;

and the Public Works Committee be permitted to sit during the session of the Senate today.

The PRESIDING OFFICER. Without objection——

Mr. KUCHEL. Mr. President, reserving the right to object—and I shall object—let the RECORD show that Members of the minority have filed with the minority leadership objection to having those committees meet during today's session.

Therefore, Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

ATTENDANCE BY VICE PRESIDENT NIXON ON DUTIES AS PRESIDING OFFICER OF THE SENATE

Mr. YOUNG of Ohio. Mr. President, we read and hear much lately about a so-called truth squad contemplating touring our country to spread its own dubious brand of enlightenment. May I make it clear that I do not question the motives of these patriotic Americans—merely their premises and judgment. I do not pretend to be a one-man truth squad, nor am I a member of any so-called truth squad. Certainly, I am not a self-appointed vigilante.

Quite out of curiosity, however, I undertook, during the first week of this very important session of the 86th Congress, to determine with complete accuracy the length of time that the Vice President of the United States presided over the Senate. Mr. President, to assist me in this connection, I availed myself of the use of a stopwatch. In addition, in the interest of absolute accuracy, I enlisted the aid of colleagues and friends.

I report, Mr. President, that, from the opening of this special session on August 8 to adjournment last Saturday evening, the Vice President of the United States presided over the Senate precisely 2 hours, 55 minutes, and 40 seconds.

I choose at this moment to refrain from any further comment except to state that article I, section 3 of the Constitution of the United States provides that the Vice President "shall be President of the Senate but shall have no vote, unless they be equally divided."

Of course, the Standing Rules of the Senate also repeat this provision, giving to the Vice President the duty and responsibility of presiding over the Senate. Mr. President, in reading the Constitution of our country, there is very little that is stated there regarding the duties of the Vice President other than to preside over the Senate and to cast a vote in event of a tie.

I make no comment over the fact that the honor and responsibility of presiding over the Senate have been relinquished by the Vice President and that his duties and responsibilities, as stated in the Constitution, were carried on by Senators.

Sometime near the end of the last session of Congress I reported to the Senate, in praising the distinguished junior Senator from West Virginia [Mr. BYRD], that he had up to that good hour presided over the Senate of the United States for 104 hours, while the Vice President of the United States, whose duty it is to preside over the Senate, had presided a period of 24 hours. I did not have a stopwatch then, but that was the figure I obtained, and I am certain it was accurate.

The Senate had been in session last week from the opening on August 8 to the time of adjournment last Saturday evening, for a total of 57½ hours. It would appear to me, if I were a member of a truth squad, so-called, noteworthy that the Vice President fulfilled his constitutional obligation of presiding over the Senate less than 3 hours of the 57½ hours, or approximately—in fact, I was going to say approximately 5 percent of the time—but I figured it out, and I ascertained that the Vice President presided last week 5.1 percent of the time that the Senate of the United States was in session.

This session was called as the present distinguished Presiding Officer, the junior Senator from the State of Wyoming [Mr. MCGEE] knows, to consider some pending legislative proposals and to pass four appropriation bills—in other words, to clean up what was left undone, and get out.

Finally, may I say in this connection, that the comment which has been made to this good hour, seeking to reflect on the industry and attendance of a distinguished Senator of this body—and so there will be no mistake about it, I refer to the junior Senator from Massachusetts [Mr. KENNEDY]—is without foundation, is entirely unwarranted, and is, in fact, picayunish.

By the same token, it is my view that the Vice President is not to be condemned for his failure to preside at all times or during the majority of the time that the Senate is in session.

As a matter of fact, except for statements made on this floor, I would have given this failure of the Vice President in presiding during the first week of this session—the fact that the Vice President presided only 5.1 percent of the entire time that the Senate was in session last week—the charity of my silence.

Mr. KEATING. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. I will yield in a moment. I am about to conclude.

Mr. President, the people of the United States have great intelligence and common sense and excellent judgments. They know that these two distinguished and outstanding Americans, the distinguished junior Senator from Massachusetts, and the Vice President—I refer to JOHN F. KENNEDY and RICHARD NIXON—who are candidates of their respective parties for the Presidency of the United States. The people know and they appreciate that both of those leaders have a lot of territory to cover and a great deal to say between now and November 8. The people of the United States want to see them and they want to hear them.

So I simply feel, Mr. President, in making these brief remarks, that what is sauce for the goose is sauce for the gander.

Mr. KEATING. Mr. President——

Mr. YOUNG of Ohio. I surrender the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. KEATING. Mr. President, I am a little astonished that my good and genial friend from Ohio would bring up this subject, for two reasons: first, because we have watched him preside over the deliberations of this body with great fairness and dignity, and that opportunity might not have been vouchsafed to him had there not been a vacancy in the chair at that time. He has always conducted the duties of that position with impartiality, and we have enjoyed looking up there at his sunny face when he has presided.

The second, and most important, reason why I am astonished at my good friend from Ohio is that he has, by these remarks, served to accent the very basis upon which the Vice President of the United States will unquestionably, as will his party, found his principal campaign for the highest office in the land. He has not been a "sit-in" Vice President, or a leatherbound Vice President. He and his distinguished running mate, Ambassador Lodge, have participated at the highest levels in the policymaking decisions of this Government.

That has been the tradition which President Eisenhower has carried forward to a degree unparalleled in the history of our Nation. We have had genial, pleasant, beloved Vice Presidents who have enjoyed sitting in the comfortable chair now graced by the distinguished junior Senator from Wyoming [Mr. MCGEE], and often graced by my friend from Ohio. That is the easy road. That is perhaps the most pleasant road. However, the Vice President of the United States, under his present tenure, has not seen fit to adopt the easy course. He has left that chair to participate in decisions relating to domestic policies. He has left that chair to carry the message of our Nation to the four corners of the globe, and to do so successfully.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. KEATING. In just a moment I shall be happy to yield.

In other words, the Vice President has not been circumscribed by the four corners of this room. The four corners of the globe have been the area where he has done his distinguished work.

Under the leadership of President Eisenhower, Vice President NIXON has had a very important role to play in the foreign affairs of this country. America has been lucky to have a Vice President who was inclined to take that attitude toward his position and to do his job, not only here but also all over the world.

I daresay, Mr. President, that the next Vice President, whoever he may be, will very much follow and emulate in that respect Vice President NIXON. Indeed,

Vice President NIXON has announced that his Vice President, if elected—Ambassador Lodge—will take an even greater role in policymaking decisions and in representing our Nation in foreign countries.

I do not wonder that an effort is made to attack the Vice President's record by our political friends across the aisle. As an experienced world traveler and troubleshooter, the Vice President possesses the experience and international know-how which are so important in a candidate for the Presidency. He has been a positive and constructive advocate for the free world. What is more, he has indicated, as I have said, that when he is elected Mr. Lodge will play a much more far reaching role even than he has played in the foreign affairs of the United States.

Knowing the candidate for Vice President on the Republican ticket, we certainly are all aware, as is all America, that he, like our present Vice President, is no novice in foreign affairs.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KEATING. My friend from Ohio announced ahead of time that he was going to do what he has done. He is a very diligent Senator. I have not had a stopwatch. I did not bring up the subject of the failure of the distinguished Senator from Massachusetts to answer to rollcalls during this session. It is a fact that there have been 159, of which he has answered 39, but that is something for him to account for. He may have a view of his duties here which corresponds to that of the Vice President. I do not see the parallel myself, but that may be his position. I shall not try to answer for him.

I do not agree with another thing which the distinguished Senator from Ohio said, because, in announcing that he was going to do this, he said he admitted his action might seem a little petty. My friend from Ohio is never petty. He is a good friend of mine. We served in the House together. We have served in the Senate together. We have always had cordial relationships with each other.

While I am astonished by his action, I am very happy, Mr. President, that he has seen fit to bring up a point which we on our side of the aisle are very happy about and very proud of—that is, the record of the Vice President of the United States both in this Chamber and outside it.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. KEATING. The distinguished Senator from Rhode Island [Mr. PASTORE] asked me to yield first, so I yield to him first.

Mr. PASTORE. Mr. President I am grateful to my distinguished colleague from New York. I think the chances are he is trying to develop in his own mind the thoughts he might have in response to the observations made by my distinguished colleague from Ohio, and the chances are that inadvertently he missed the point.

The point made by my distinguished colleague from Ohio is not in criticism of the Vice President of the United States, because he recognized that position. He has developed the thesis that these two men who have been chosen by their parties owe it to the people of this country to get out of this Chamber and to go before the people of the country to explain, to discuss, and to debate the issues of this day, for one of these men is going to guide the destinies of the people of this country and, I might say, the destiny of all civilization.

There has been chiding and there has been ridiculing on the part of the Republicans in reference to the absences of the distinguished Senator from Massachusetts. The Senator has been nominated by his party. If he misses a vote or two here, or if he misses 10 or 20 votes, it could well be insignificant when measured against the tremendous problems which confront this world. I think JOHN KENNEDY owes it to the people of this country to leave this Chamber and to go to the people to explain the issues which cannot be properly explained on the floor of the Senate.

I repeat, I think my distinguished friend from New York missed the point. All the Senator from Ohio said was, "If you are going to criticize JOHN KENNEDY for not being here, then I am bringing up the constitutional obligation of the Vice President to be here."

My distinguished friend from New York says that the Vice President has every reason not to be present. We agree. However, why do Senators keep picking on the fact that the Senator from Massachusetts has not answered all the rollcalls? Why?

Mr. KEATING. Mr. President, I am very happy to respond to my friend from Rhode Island. I have not picked on the distinguished Senator from Massachusetts. Attention has been called in the press, and I believe by some Members of the Senate, to the fact that the Senator did miss, this year, 120 out of 159 rollcalls.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. KEATING. Not at this moment. The duty of a Senator is quite different from that of the Vice President.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. KEATING. The duty of a Senator, generally speaking——

Mr. PASTORE. Will the Senator yield to me at that point?

Mr. KEATING. I will yield in just a moment.

The duty of a Senator, generally speaking, is to be present to answer to rollcalls. We all miss rollcalls from time to time. I have not criticized the distinguished Senator from Massachusetts in this Chamber. I may later make some remarks on that subject. It has been the subject of comments in the press, when he has been absent on political forays, in contrast with the absences of the Vice President, which have related, with a very few exceptions, to his duties as a part of the policymaking machinery of this country.

I am very happy that the distinguished Senator from Rhode Island [Mr. PASTORE] has interpreted the words of the Senator from Ohio. He has placed a somewhat different emphasis on them from the one I inferred.

Mr. PASTORE. I did not place any emphasis at all. Mr. President, will the Senator yield?

Mr. KEATING. No. It was a different emphasis from the one which I expected or that I gathered from the remarks of the Senator from Ohio [Mr. YOUNG] or from his statement in the press that he intended to make the remarks. It is true that at the close of his remarks he did say that his statement was in answer to allegations made by some Members on this side that the distinguished Senator from Massachusetts [Mr. KENNEDY] had not been attending to his duties on the floor. I think personally that such a statement probably would be improper coming from me. At least it might be construed as an unfriendly act. The Senator from Massachusetts is as good a friend of mine as is the Senator from Ohio, and I hope he still is.

However, the position of a Senator and that of one who occupies the position of Vice President are entirely different. There is no parallel at all. I quite agree with my friend from Rhode Island that all the candidates must state their case to the country.

Yesterday we picked up the newspapers and read about the fight which the distinguished Senator from Massachusetts [Mr. KENNEDY] was making for the medical aid plan. It must have been a skirmish in some area other than on the Senate floor.

I anticipate that there will be absences again by both these gentlemen during this special session, but what I have pointed out is the affirmative. I am very happy that this subject was brought up because it emphasizes the ground on which, in my judgment, the campaign of the Republican candidates for President and Vice President will to a large extent be based.

Mr. PASTORE. If the Senator from New York has finished, I should like to have the floor.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. KEATING. I yield to the distinguished Senator from California.

Mr. KUCHEL. Mr. President, the Senator from New York [Mr. KEATING] is completely correct. The Vice President of the United States, the incumbent and the office, require no defense as a result of any mathematical calculation computing the number of minutes or hours served in presiding over the U.S. Senate.

Mr. PASTORE. Mr. President, will the Senator from California yield?

Mr. KUCHEL. I do not.

The age of the Alexander Throttlebottoms in American Government has long since gone. The responsibility of the officeholder of the second highest, most responsible position in American

Government is not discharged under the Constitution, as I see it, merely by sitting in the Presiding Officer's chair all day long every day, presiding over the debates and speeches in this Chamber.

In this nuclear age in which we live, I think it is to the great credit of President Eisenhower that he has clothed Vice President NIXON with great responsibilities unknown in past administrations.

I mention only one. The Vice President is Chairman of the Commission on Equal Job Opportunities Under Government Contracts. I think in that office, as a member of the executive branch of the Government, the Vice President has served this country notably and well.

I make the point that when the chips have been down in this Chamber, and when the responsibility of the presiding officer has been to determine important legal or procedural questions under the Constitution and our own rules, it is to the high credit of the Vice President of the United States that on every such occasion he has presided. As a fine and courageous lawyer he has rendered his decisions to guide the Senate. At the conclusion of his 8-year tenure as Vice President he will have left behind him a standard which may well be the standard for future incumbents of the office of Vice President.

I thank my friend for permitting me to make that observation.

Mr. GOLDWATER. Mr. President——

Mr. KEATING. Mr. President, I appreciate the very pertinent remarks of the distinguished Senator from California. I yield to the distinguished Senator from Arizona.

Mr. GOLDWATER. Mr. President, I am quite surprised that many of our colleagues on the other side of the aisle would take it unto themselves to call attention to the amount of time the Vice President sits or does not sit in the chair. I say that because it is likewise an obvious invitation to those on this side of the aisle to criticize one of our colleagues who is conspicuous for his absence from this Chamber. It is not something that either or any of the other Senators on this side enjoy doing, because we all realize the responsibilities involved in being a nominee for the Presidency of the United States. In fact, I think we would be wise to carry the suggestion of my friend from Rhode Island further, and all go home. I think the country is beginning to get wise with respect to this political rump session that is doing nothing.

But when my friend from Ohio utilizes a stopwatch, as he would with a runner on a field or in a boxing match, to determine how much time the Vice President is sitting in the chair of the Presiding Officer, I suggest that it is probably our duty to call to the attention of the American people the number of hours which the other nominee is serving.

There is a bill before the Senate, the minimum wage bill. It is the creature of the Senator from Massachusetts. It has been under consideration by the Senate since last Wednesday night. I wish I had had a stopwatch. I would like to have held it on him to see how often he has been present. I think he has been engaged in debate for less than 300 or 400 words. He was not here at all yesterday that I know of, and yet his bill was the order of business.

We observed in the headlines in the Washington Evening Star yesterday: "KENNEDY Fights for Medical Bill." Where was he fighting for it? I cannot find any forum in which he was fighting, unless it might have been one day when he was in New York.

As I say, it is distasteful to bring this subject to the floor of the Senate. But if the Senator from Ohio persists in attempting to ridicule the Vice President of the United States and our candidate for the Presidency, I shall employ the same procedure from this side.

Where is the Vice President at this moment? He is at a leadership meeting in the White House. He cannot be present.

Where is the distinguished Senator from Massachusetts [Mr. KENNEDY]? I do not know. He might be on his yacht. He might be at home. He might be in his office. But he is not here. The order of business is the minimum wage law, and he should be here pushing the bill, because he and his party have promised to the people of the United States a minimum wage bill. There is a responsibility that I do not think is being met.

I thank the Senator from New York.

Mr. KEATING. Mr. President, I appreciate the remarks of my friend from Arizona. The propensity to be elsewhere apparently was in the mind of our distinguished friend from Massachusetts well prior to the conventions, and there need be no further comment.

I have not heretofore called attention to the absences of the distinguished Senator from Massachusetts. I do not know that I shall do so again. I would not have mentioned it now had it not been for the remarks made on the other side.

RISE IN PERSONAL INCOME ANNOUNCED BY SECRETARY MUELLER

Mr. KEATING. Mr. President, I am delighted today to call attention to an important economic development which hits at the pocketbook of every American. The Department of Commerce yesterday released personal income figures for 1959 showing a 6-percent rise over 1958 and an increase of $23 billion in total personal income.

Before anybody questions these figures and what they mean, I want to set the record straight. Whereas, personal income increased by 6 percent in 1959, the Consumer Price Index rose by only 1 percent. The conclusion is obvious. The increase in per capita personal income is an increase in real income bringing greater opportunities and chances for new experiences to the people of our Nation.

The Federal Government, of course, has had a role to play in bringing about this and other increases in personal income. But I would like to suggest, Mr. President, that the Government's part is a relatively small one. The real job was done by the people. That is the way a free enterprise economy, like the American economy, works, and that is the way it should work.

The American economy continues to grow because our automobile plants and the workers who make automobiles want to make and sell more cars, because independent shoe store owners want to sell more shoes, because the airlines want to increase passengers, because new industries want to sell you new products, because people who have services to provide want to improve these services so that sales will increase.

Mr. President, there are indeed areas in our country wherein economic conditions are not favorable and unemployment is unduly high. We must do something about this. Both the Eisenhower administration and majority in the Congress have long supported legislation to aid our Nation's depressed areas. However, the two have not as yet been able to get together on the best approach to this dilemma.

There is presently in the Congress an area redevelopment bill of which I am a cosponsor and which is backed by the administration. It is similar in many respects to the bills introduced and supported by the majority. If all of us got together, I believe our bill could be enacted this week. Americans would then be on the way toward developing and implementing a needed program to help areas which, to date, have not shared in the full fruits of our Nation's economic prosperity.

Mr. President, all of us are proud of the vitality and prosperity of America's free competitive economy. The people of the whole free world are proud of it too. The striking contrast between the economic spirit of East and West Germany, West Germany being prosperous and free—and East Germany suffering economic woes, strikingly illustrates the inherent strength of a competitive economy. I submit that this contrast is "exhibit No. 1" in support of economic freedom.

Mr. President, I submit also the figures which I cited above and which I have interpreted briefly, and I ask unanimous consent that a press release by the Commerce Department on these figures, dated May 15, be printed at this point in the RECORD.

There being no objection, the press release is ordered to be printed in the RECORD, as follows:

GENERAL RISE IN PERSONAL INCOME IN STATES IN 1959—FORTY-FIVE STATES SHOW ADVANCES RANGING UP TO 11 PERCENT

The flow of personal income rose to new highs in nearly every State in 1959 under the impetus of expanding business, the Office of Business Economics, U.S. Department of Commerce, announced today.

For the country as a whole, personal income totaled $381 billion last year, a rise of $23 billion, or 6 percent over 1958. With consumer prices up about 1 percent from 1958, the advances in the main represented increases in real purchasing power.

In most States, the gains ranged from 5 to 10 percent; in three, consumer incomes

were lower in 1959 than in 1958. In every State, the dollar volume of nonfarm income was of record proportions last year, with the increase over 1958 amounting to 4 percent or more.

Per capita personal income (total income divided by total population) equaled $2,166 in 1959—about $100 more than the $2,069 recorded in 1958. In view of the 1-percent consumer price increase already noted, most of the per capita income rise represents an improvement in real per capita buying power.

Average incomes were highest—more than $2,600—in the States of Delaware, Connecticut, Nevada, New York, California, Illinois, and New Jersey. In these seven States and the district of Columbia, income ranged from one-fifth to more than one-third above the national average. Figures for each State are shown in the accompanying table.

DISPOSABLE INCOME

The OBE annual accounting of regional income changes, to be published in the forthcoming August issue of its monthly magazine Survey of Current Business contains State estimates of disposable income—personal income less personal tax and nontax payments—for selected years 1955–59. This is the most comprehensive measure of consumer purchasing power available on a geographic basis. As shown in the accompanying table, individual States and regions vary substantially in volume of disposable income.

Of 1959 disposable income of $335 billion, more than $138 billion—two-fifths of the total—was received by residents of five States: New York ($39 billion), California ($36 billion), Illinois ($23 billion), Pennsylvania ($22 billion), and Ohio ($19 billion). There were six States with disposable incomes of less than $1 billion last year.

There are wide geographic differences in per capita disposable income—a measure of the quality or type of consumer market. Among States, highest average disposable income was in Delaware ($2,516). Top averages among larger States included Connecticut ($2,460), New York ($2,350), and California ($2,334).

There are 12 States where average disposable income is from one-fourth to one-half below the national figure. All, except North Dakota and South Dakota, are in the southeast region, OBE reports.

INCOME CHANGES IN 1959

Increases in aggregate personal income from 1958 to 1959 were associated closely with economic size of the regions. Consumer incomes in the Mideast, Great Lakes, Far West, and southeast—the four largest regions—climbed between $4 billion and $6 billion each. In the southwest and New England States, incomes were up $1½ billion, while in the Plains and Rocky Mountain areas, the rise was $750 million and $500 million, respectively.

Among individual States, the largest advance in total income—$3½ billion—occurred in California. Other top-ranking expansions in 1959 include New York ($3 billion), Illinois and Ohio ($1½ billion, each) and Pennsylvania (nearly $1¼ billion). Together, these five States accounted for almost half of the $23-billion-nationwide rise in consumer incomes last year.

Percentage increases in Florida, Arkansas, Mississippi, Nevada, California, and Hawaii were 10 percent or a little better.

California ranked among the top States in the income advance—both in dollar volume and in percentage terms. Florida misses this special category by only a small margin. The 1959 income experiences of these two States represent extensions of past above-average economic records. Both over the three decades since 1929, and in the more current postwar period, Florida ranks No. 1 in the Nation with regard to relative gain, while California stands fifth.

In contrast to the moderate upturn characterizing economic conditions throughout most of the country, personal income declines of about one-tenth occurred in North Dakota and South Dakota, and of 2 percent in Montana. There was little change in Kansas and Nebraska. In each of these five States, the dampening influence was an unusually large drop in farm income.

Numerous factors influenced State variations in the rate of change in personal income last year. Economic developments with most pronounced geographic impact include the sharp recovery of manufacturing, following the 1957–58 business decline, and the reduction in farm income.

On a national basis, earnings of persons engaged in manufacturing accounted for nearly $9 billion of the $23 billion rise in total income. In every region, the increase in factory earnings was the largest contributors to the upturn in income last year. In the heavily industrial Great Lakes States, nearly two-thirds of the total advance occurred in the manufacturing division.

Government payments to persons were a major element bolstering consumer income and demand during the downphase of the production cycle in 1957–58. In the recovery of last year income from Federal sources continued to rise but at a lesser rate than income from other sources. The small rise in income from Government reflected mainly a decline in unemployment insurance benefits—a result of economic recovery—which offset in part the rise in other Government payments.

Income from agriculture was down one-eighth in 1959, reflecting lower prices for farm products, rising production costs, and the elimination of the acreage reserve program of the soil bank. Farm income changes in individual States, as contrasted with the 13-percent national decline, ranged from advances of one-fourth in several important farm States to reductions of 50 percent.

The influence of farm income on the geographic distribution of income is pointed up by the fact that in eight of the nine States where personal income rose least, or actually declined, the experience is traceable directly to agriculture. Similarly, spurts of roughly one-fourth in income from farming provided primary impetus for the gains in overall income registered in two of the States with top-ranking income gains last year.

INCOME IN ALASKA

Included for the first time in OBE's annual report on State income are estimates of personal income in Alaska. A special release on the results of the Alaska survey was issued by OBE on last July 8. Personal income received by residents of that State totaled $556 million in 1959; per capita income amounted to $2,550. Of the total flow last year, $281 million, or one-half, was paid out by private industry; $239 million, or 43 percent, by the Federal Government; and $37 million, or 7 percent, by State and local governments.

The Survey of Current Business is available from field offices of the Department of Commerce or from the Superintendent of Documents, U.S. Government Printing Office, Washington 25, D.C., at an annual subscription price of $4, including weekly supplements; single copies, 30 cents.

State and region	Personal income				Disposable income, 1959			
	Total			Per capita personal income, 1959	Total		Per capita	
	Amount (millions)		Percent change, 1958 to 1959		Amount (millions)	Percent of national total	Amount	Percent of national average
	1958	1959						
Continental United States	$357,542	$380,664	6	$2,166	$335,131	100.00	$1,907	100
New England	23,301	24,728	6	2,396	21,722	6.48	2,104	110
Maine	1,642	1,713	4	1,768	1,546	.46	1,595	84
New Hampshire	1,105	1,200	9	2,010	1,059	.32	1,774	93
Vermont	645	694	8	1,789	616	.18	1,588	83
Massachusetts	11,677	12,380	6	2,444	10,850	3.24	2,142	112
Rhode Island	1,726	1,837	6	2,156	1,621	.48	1,903	100
Connecticut	6,506	6,904	6	2,817	6,030	1.80	2,460	129
Mideast	90,223	95,896	6	2,540	83,269	24.84	2,205	116
New York	42,157	45,103	7	2,736	38,738	11.56	2,350	123
New Jersey	14,442	15,429	7	2,608	13,533	4.04	2,288	120
Pennsylvania	23,589	24,732	5	2,222	21,775	6.50	1,957	103
Delaware	1,248	1,314	5	2,946	1,122	.33	2,516	132
Maryland	6,661	7,108	7	2,343	6,178	1.84	2,036	107
District of Columbia	2,126	2,210	4	2,943	1,923	.57	2,561	134
Great Lakes	78,108	83,176	6	2,337	73,555	21.94	2,067	108
Michigan	16,581	17,493	6	2,253	15,570	4.65	2,006	105
Ohio	20,527	21,979	7	2,328	19,484	5.81	2,063	108
Indiana	9,122	9,712	6	2,102	8,663	2.58	1,875	98
Illinois	24,230	25,734	6	2,610	22,590	6.74	2,291	120
Wisconsin	7,648	8,258	8	2,116	7,248	2.16	1,858	97
Plains	29,554	30,333	3	1,978	26,734	7.98	1,743	91
Minnesota	6,486	6,660	3	1,962	5,828	1.74	1,717	90
Iowa	5,256	5,398	3	1,953	4,746	1.42	1,717	90
Missouri	8,644	9,248	7	2,145	8,203	2.45	1,903	100
North Dakota	1,063	972	−9	1,526	848	.25	1,331	70
South Dakota	1,132	1,020	−10	1,476	888	.26	1,285	67
Nebraska	2,759	2,797	1	1,981	2,484	.74	1,759	92
Kansas	4,214	4,238	1	1,994	3,737	1.12	1,759	92

State and region	Personal income				Disposable income, 1959			
	Total			Per capita personal income, 1959	Total		Per capita	
	Amount (millions)		Percent change, 1958 to 1959		Amount (millions)	Percent of national total	Amount	Percent of national average
	1958	1959						
Southeast	$56,027	$59,968	7	$1,565	$53,757	16.04	$1,403	74
Virginia	6,660	7,058	6	1,816	6,198	1.85	1,595	84
West Virginia	2,960	3,053	3	1,635	2,760	.82	1,478	78
Kentucky	4,336	4,548	5	1,514	4,029	1.20	1,341	70
Tennessee	5,028	5,362	7	1,521	4,813	1.44	1,365	72
North Carolina	6,318	6,771	7	1,485	6,150	1.84	1,349	71
South Carolina	2,924	3,148	8	1,332	2,867	.86	1,213	64
Georgia	5,672	6,081	7	1,553	5,455	1.63	1,393	73
Florida	8,367	9,273	11	1,980	8,271	2.47	1,766	93
Alabama	4,379	4,607	5	1,409	4,105	1.22	1,256	66
Mississippi	2,298	2,528	10	1,162	2,321	.69	1,067	56
Louisiana	4,933	5,169	5	1,575	4,630	1.38	1,411	74
Arkansas	2,152	2,370	10	1,322	2,158	.64	1,204	63
Southwest	24,839	26,248	6	1,887	23,295	6.96	1,675	88
Oklahoma	3,954	4,138	5	1,786	3,670	1.10	1,584	83
Texas	17,129	18,041	5	1,908	16,040	4.79	1,696	89
New Mexico	1,554	1,681	8	1,833	1,488	.44	1,623	85
Arizona	2,202	2,388	8	1,959	2,097	.63	1,720	90
Rocky Mountain	8,169	8,575	5	1,990	7,548	2.25	1,752	92
Montana	1,342	1,318	−2	1,955	1,174	.35	1,742	91
Idaho	1,127	1,187	5	1,782	1,048	.31	1,574	83
Wyoming	676	707	5	2,149	623	.19	1,894	99
Colorado	3,508	3,737	7	2,123	3,267	.97	1,856	97
Utah	1,516	1,626	7	1,848	1,436	.43	1,632	86
Far West	47,321	51,740	9	2,565	45,251	13.51	2,243	118
Washington	5,977	6,363	6	2,271	5,561	1.66	1,985	104
Oregon	3,528	3,842	9	2,171	3,274	.98	1,850	97
Nevada	685	752	10	2,745	642	.19	2,343	123
California	37,131	40,783	10	2,661	35,774	10.68	2,334	122
Alaska	527	556	6	2,550	496	.15	2,275	119
Hawaii	1,158	1,290	11	2,139	1,167	.35	1,935	101

ATTENDANCE OF THE SESSIONS OF THE SENATE

Mr. PASTORE. Mr. President, I think we should have the air cleared once and for all on the matter of the constitutional responsibility of being present in the Senate. There may be justifiable reasons—and I am one of those who feels that there are—why the Vice President cannot sit in the Senate from the moment the bell is rung as we convene to the moment that the bell is rung when we recess or adjourn. I realize that the Vice President of the United States has many extraneous responsibilities that must be fulfilled in conformity with the office he occupies; responsibilities intended to promote the welfare of this great Nation of ours.

I would be the last to criticize the Vice President for not being here through every minute that the Senate is in session. But when a Member on this side of the aisle rises to say that there is a responsibility for the Vice President to preside, when the Constitution provides that he must, and another Senator says that a Senator should be here to respond every time the roll is called, then I am afraid my colleagues should go back to read the Constitution of the United States. There is equal responsibility.

If a Senator is compelled to be here or be subject to criticism because he did not answer all 159 rollcalls, since he answered only 39 of those rollcalls, we get an idea of the sort of propaganda that is going to be spread. After all, my distinguished friend from New York did not take these figures out of thin air; he must have had all of his staff reading the RECORD to check every rollcall, and the number came to 159.

Finally, they discovered that Senator JOHN KENNEDY was at the primaries, speaking to the people of West Virginia, to the people of New Hampshire, to the people of Massachusetts, and possibly even to the people of Rhode Island and Connecticut, in order to win the Democratic nomination for the Presidency of the United States.

What is wrong with that? Republican innuendo after Republican subtlety is becoming a little disgusting to the junior Senator from Rhode Island. If Senators want fairness, let them extend fairness. They have repeatedly chided the distinguished Senator from Massachusetts because he was not on the floor to answer all of those rollcalls.

I remind Senators that this tactic has all been calculated. It has all been documented by the campaign committee.

I submit that JOHN KENNEDY had a right to go to the people of the country to try to win the nomination as the Democratic nominee. The junior Senator from Rhode Island would have done the same, and the junior Senator from New York would have done the same.

No man can stand on the floor, after reading the Constitution, and say that a Senator is more obligated than the Vice President to be here to carry out his constitutional mandate.

I concede that each of these men had occasion to be absent and each of them had a justifiable reason for being absent—both the Senator from Massachusetts and the Vice President.

I am not being critical of the Vice President. I believe he has done a splendid job in carrying out the tasks which were assigned to him by the President of the United States.

All this cheap propaganda is an attempt to persuade the people that JOHN KENNEDY has been a slacker. That is the implication, that he is a slacker—failing to live up to his responsibilities. How utterly ridiculous.

Here is a man who in the murky waters of the Pacific, when his PT boat was sunk from under him, swam 2 miles with one of his men on his back to bring him to shore, and then to bring his crew to safety. Yet the implication is made on the floor of the Senate that JOHN KENNEDY is a slacker.

He has lived up to his responsibilities. The Senate has called the roll 159 times, and he was here, they say, for only 39 of them. As far as the Senator from New York is concerned, it would not make any difference if the Senator from Massachusetts had been here 160 times out of the 159 rollcalls; he would still be against the Senator from Massachusetts.

Whom are these people trying to beguile? Certainly they are not beguiling the American people. These men had a right to be where they were, to carry out their responsibilities according to their conscience and their heart and their mind. If a man in this country wants to become President he ought to go out and fight for it. That is what JOHN KENNEDY did. If Mr. NIXON is doing it, all credit to him; he has a right to do it. But as he has the right, so has JOHN KENNEDY the right.

When the distinguished Senator from New York makes his speech, I hope he will invite the junior Senator from Rhode Island to be here, because I want to be here to listen to it and answer it.

I say to Senators, let us do away with this frivolous talk. It does not convince the people of the country.

The distinguished Senator from Arizona [Mr. GOLDWATER] made the observation that the minimum wage bill is pending. Look at the tactics which have been employed. We could not even get a unanimous-consent agreement. Senators on the other side of the aisle would not even rise and say, "I object." The

minority leader had to rise and say, "I have been instructed to object." We do not even know who is giving the instructions any more.

Of course, there is no attempt here to bring the session to a conclusion because, somehow, the Republicans have conceived in their own minds the idea that it might be politically advantageous for them to keep JOHN KENNEDY here and to keep Mr. NIXON on the move. That is what it amounts to; that is the way the junior Senator from Rhode Island construes it.

If we are to have a vote on the bill, let us have a vote. I am ready. I have been here all the while. I missed being with my family last weekend, just as many Senators made the same sacrifice. We did nothing on Saturday. We did nothing on Monday. We shall do nothing on Tuesday. We shall do nothing, perhaps, on Wednesday. This matter will drag and drag and drag. Why? Because some Senators do not want the Senate to vote on minimum wages. They do not want this body to vote on this important measure.

Now a platform of 21 new measures has been proposed, and it is desired that they be enacted before we adjourn. Anything to keep JOHN KENNEDY here until November 9. Whether that happens or does not happen, it is my considered opinion that the White House will be graced, come 1961, by the distinguished junior Senator from Massachusetts, who will have become President, and the chair of the Presiding Officer will be occupied by the distinguished senior Senator from Texas [Mr. JOHNSON].

Mr. KEATING. Mr. President, will the Senator yield?

Mr. PASTORE. Now I yield.

Mr. KEATING. I shall not prolong the discussion; I shall simply say that I share entirely the sentiment expressed by the Senator from Rhode Island that we should vote and get ahead. Let us move ahead with the measure before us and vote on it.

I call the attention of the Senator from Rhode Island to the fact that the delay in voting on the minimum wage bill has been because a member of his party has had an amendment pending and was insistent that it not be voted upon until today; and that he then expects to offer another amendment. I do not know what the position of other Senators will be, but I shall be willing to agree to a limitation of debate. I agree with the Senator from Rhode Island that we should get on with the business of the Senate and conclude our deliberations. We should not be here at the expense of conducting urgent matters which are properly called the people's business.

Mr. PASTORE. Mr. President, I never said, even once, that the junior Senator from New York did not want to vote on the bill. The RECORD will show that a suggestion was made by the distinguished leader of the majority, the Senator from Texas [Mr. JOHNSON], that there be a unanimous-consent agreement; but objection to limited debate, in order to bring discussion on the bill to a conclusion, came from the other side of the aisle.

I daresay the distinguished Senator from Arizona will welcome a delay in the vote. It will please him. However, I never said for a moment that it was the Senator from New York who objected to a limitation on debate. I believe that on the minimum wage bill, he is on the side of the people. The Senator from New York agrees with me in that respect.

Mr. BUSH. Mr. President——

Mr. PASTORE. Mr. President, I have the floor.

Mr. BUSH. I understood that a request had been made for a morning hour.

Mr. JOHNSON of Texas. It was objected to.

Mr. BUSH. I withdraw my statement.

Mr. PASTORE. I appreciate the generous gesture on the part of the Senator from Connecticut.

I dare say that the Senator from New York will vote favorably upon the minimum wage bill. However, that position is not shared by certain Republicans and by some Democrats. I never said there was unanimity about the bill one way or the other.

I am simply commenting on the constant lament on the part of certain Senators that the junior Senator from Massachusetts [Mr. KENNEDY] answered only 39 rollcall out of 159, and then keep repeating it. I keep saying to myself, "Why? What does it prove?"

Where was this man? The implication is, perhaps, that he was out on his yacht. I do not know whether he was. I know PASTORE was never on the yacht. But JOHN KENNEDY is doing his business as a U.S. Senator as the nominee of the Democratic Party. Whether or not he happens to be on the floor of the Senate at a particular moment, to the dissatisfaction of certain Republicans or certain Senators, does not prove that he is not on the job, and doing a swell job. Everytime any Senator rises to criticize JOHN KENNEDY for not being here, the junior Senator from Rhode Island will rise to defend him.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. PASTORE. I yield.

Mr. BUSH. I simply remind the Senator from Rhode Island that the whole altercation this morning was not started by the distinguished Senator from New York [Mr. KEATING], but by the distinguished Senator from Ohio [Mr. YOUNG]. He brought up the whole matter.

Mr. PASTORE. Oh, but the genesis of the altercation was on the other side of the aisle. It is true that in retaliation the distinguished Senator from Ohio adopted a very dramatic procedure in order to make the point. Perhaps it was a little more dramatic than the junior Senator from Rhode Island might seek to stage. He dramatized the situation by using a stopwatch in order to measure the time. I do not know how much more accurately time can be measured in that way, if it is to be measured at all.

But why did the whole matter start? Because some Senator on the other side of the aisle began to make the point that the junior Senator from Massachusetts was not here to answer every rollcall. So in order to show that what is sauce for the goose is sauce for the gander—that is, in order to prove that what Mr. KENNEDY was doing was what Mr. NIXON was doing—the Senator from Ohio brought the matter up this morning. But that was not the beginning of it.

I have heard this controversy time and time again. I say to the distinguished Senator from Connecticut [Mr. BUSH], for whom I have the highest admiration and affection—and he knows it—the sooner we stop these tactics, the better off all of us will be. I hope we have heard the end of the discussion concerning the number of rollcalls the junior Senator from Massachusetts answered or did not answer, because the quicker we get down to a consideration of the issues and the important problems which confront the Nation, the better off we and the Nation will be.

Now I yield the floor.

SENATOR LEVERETT SALTONSTALL, OF MASSACHUSETTS

Mr. BUSH. Mr. President, the Washington Evening Star of yesterday, August 15, published an article entitled "Faithful SALTONSTALL in Trouble," written by William S. White, a distinguished reporter who formerly was on the staff of the New York Times and is now, I believe, a writer for a syndicate. Mr. White is the author of a book entitled "Citadel," which is about the U.S. Senate. He is also the author of the book entitled "The Taft Story," which relates to the late distinguished Republican leader, Senator Robert A. Taft.

More than that, I think it fair to say that Mr. William S. White is one of the most respected newspapermen who have ever served any organization on Capitol Hill.

Mr. White has paid a very warm tribute to the distinguished senior Senator from Massachusetts LEVERETT SALTONSTALL. I have read many comments about Senators, but I have never read one which was so beautiful, wholehearted, and fine an endorsement of a man as I read in Mr. White's editorial of last evening.

Mr. President, I ask unanimous consent that the editorial may be printed in the RECORD following my remarks, which I wish to expand a little further.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. BUSH. Mr. President, the editorial states that because Senator SALTONSTALL is running for reelection in Massachusetts, which is the home State of the distinguished junior Senator from Massachusetts [Mr. KENNEDY], who is running for the Presidency, this would seem to be a tremendous stumbling block to the reelection of Senator SALTONSTALL and would seem to give Governor Furcolo, his opponent, a very great advantage.

We have observed, over and over again, how a presidential candidate has carried a State, and a senatorial candidate

has failed to do so. We have seen remarkable reverses, the very thing Mr. White has written about. In the last election, for instance, when President Eisenhower won in 1956, I recall that the Republicans lost senatorial elections in Pennsylvania, Colorado, and Oregon, all of which it was thought they had excellent chances of winning. But the voters in those States decided otherwise; and although President Eisenhower carried those States by tremendous majorities, the Republican senatorial candidates in those States lost.

I do not want to wish Governor Furcolo any particular bad luck; but I must say that I think it is quite "in the cards" that in view of the distinguished opposition he has on his hands, he may very well find himself in the same position in which some of the Republican nominees who lost when President Eisenhower was winning in their own States found themselves.

Mr. President, why are we so confident about the chances of reelection of the able senior Senator from Massachusets, LEVERETT SALTONSTALL? It is because his record of service to the people of that State is highly unusual. It goes all the way back to 1921 and 1922, when he was assistant district attorney of Middlesex County. In 1923, and for 13 years thereafter, he was a member of the Massachusetts House of Representatives. He was speaker of the house during 8 years of his service there. He was elected Governor of the State of Massachusetts in 1938, and was reelected in 1940 and in 1942. He served as chairman of the New England Governor's conference and of the national Governors' conference in 1944. He was elected to the Senate of the United States in 1944, for the unexpired term of Senator Henry Cabot Lodge, who had resigned to enter the Army. He was reelected to the Senate in 1948, for a 6-year term; and he was again reelected, in November 1954, for a 6-year term which expires next January.

Mr. President, the name of SALTONSTALL in the State of Massachusetts is synonymous with honorable public service; and Senator SALTONSTALL is so well-known and so widely respected throughout his own State that, despite any popularity advantage which might accrue to the Democratic ticket because of Senator KENNEDY, who is the Presidential nominee on the Democratic ticket, that it is my sincere belief that the great record of service of Senator SALTONSTALL in Massachusetts will result in his reelection, regardless of which candidate for the Presidency carries the State of Massachusetts.

EXHIBIT 1

[From the Washington Evening Star, Aug. 15, 1960]

FAITHFUL SALTONSTALL IN TROUBLE

(By William S. White)

The lost and forgotten campaign—the campaign nobody notices much—needs some attention, too. The struggle for the Presidency is largely obscuring a series of less dramatic but deeply significant contests involving the U.S. Senate.

Not the least of these contests engages one of the finest ever to sit in the Senate in our time, LEVERETT SALTONSTALL of Massachusetts.

The tone of the Senate—which is after all the world's most powerful forum of debate and action—is in the end the tone of the Nation. A seat there is representative, for good or for ill, of far more than a single State. In the wrong occupancy it can become a national strongpoint for a wild emotional "liberalism" which can think only of some misty tomorrow—or of an obstructive ultraconservatism which can think only of the long-departed yesterday.

A Senator of the United States, that is to say, can become an immensely important force—to his State, yes; but, even more, to his country.

Such an important force for tolerant common sense is Senator LEVERETT SALTONSTALL. After 16 years of unpretentious and quietly distinguished service he is now hard pressed for reelection.

FEELS KENNEDY DRIVE

His trouble, so far as one can gather, is not that he has not done a good job. It arises mainly from the circumstance that the Democrats chose his fellow Senator from Massachusetts, JOHN F. KENNEDY, as their Presidential nominee.

Whether or not KENNEDY is to be able to win the whole country, no one doubts he will do very well indeed in his native New England. The strong probability is that as head of the Democratic ticket he may carry many a lesser candidate along with him. Specifically, he may well so carry Foster Furcolo, the probable Democratic candidate for SALTONSTALL'S place in the Senate.

There is irony in this. For SALTONSTALL and KENNEDY—the one an old-line Yankee Republican, and the other a brisk young Democrat—have not only always got along well together in jointly looking after their State. They have also liked and respected each other as representatives not merely of two parties but of two cultures—the old culture of the Boston Brahmins and the new culture of the up-and-coming Americans of Irish background.

By choice and taste I am not partisan as a political writer and this column is not partisan. But it unashamedly is pro-SALTONSTALL—not as a Republican, but as a man; not as a politician seeking office but as a Senator of the United States who has long honored the office he already holds.

This correspondent has nothing whatever against Mr. Furcolo and raises no question of his ability and promise. But this correspondent also has a deep and candid and strictly nonpolitical affection for the institution of the Senate.

TRUE SENATE TYPE

It is a respect and affection that goes especially to those superior men—their party being absolutely irrelevant—whom he once called the Senate type. SALTONSTALL is precisely such a type.

He is not brilliant; but he is sturdy and strong in these hard, rough times. He is a faithful partisan, a member of his party's leadership in the Senate. But he is also much more than a partisan. He is a good man for the whole United States of America, whenever and wherever we are in danger in this world.

I never saw him do a mean or ugly thing. I never saw him flinch when his duty lay clear before him. I never saw him condone unfairness even when it might have benefited him and his party. It is not merely that he is a gentleman. For the accident of birth made him that and he deserves no special credit for it. The big thing is that he is a man—m-a-n. And he has well and decently earned his place in the regard of some of the most acute judges of their fellow men on earth, the Members of the Senate.

For, perhaps oddly, the Senate doesn't care much about what a man's party is. It cares about what he is.

Mr. KEATING. Mr. President, will the Senator from Connecticut yield to me?

The PRESIDING OFFICER (Mr. BURDICK in the chair). Does the Senator from Connecticut yield to the Senator from New York?

Mr. BUSH. I am happy to yield.

Mr. KEATING. I read with gratification the laudatory column written by the distinguished journalist, William White, who is not as a rule given to this style and tone of writing. When an especially able and sophisticated Washington journalist devotes a full column to praise a Member of this body, it is indeed unique. I can think of only two or three Members of this body—perhaps more—on both sides of the aisle who might so eminently justify a tribute as warm and far-reaching as that by Mr. White with reference to our distinguished colleague, the senior Senator from Massachusetts [Mr. SALTONSTALL].

Senator SALTONSTALL has been a tower of strength in this body, and I know that countless Members on the other side of the aisle would agree.

If I may be permitted a personal comment, let me say that Senator SALTONSTALL has been a very great friend and ally to me during the short time I have been a Member of this body.

It is my sincere hope that the predictions which our friend, the Senator from Connecticut, has been bold enough to make will turn out to be accurate.

Mr. BUSH. I thank the distinguished Senator from New York for his comments on this matter.

Mr. KUCHEL. Mr. President, I commend my friend from Connecticut for inserting in the RECORD an excellent article published in the Washington Evening Star of last night commenting upon the service and character of U.S. Senator LEVERETT SALTONSTALL, of Massachusetts. It is fair to say that no Member of this body is held in higher respect by his colleagues than is Senator LEVERETT SALTONSTALL of Massachusetts. Known by his impeccable integrity and by his great intellectual capacity in very truth he represents the best interests not only of all the people of the Commonwealth of Massachusetts but also all the people of the United States.

Several weeks ago I had the honor to speak at my party's convention in Massachusetts. I saw there evidence of the great respect which his fellow citizens have for the senior Senator from Massachusetts. So far as I am concerned, I know that LEVERETT SALTONSTALL, a distinguished Republican U.S. Senator, will stand upon a long and honorable record as a public servant to his State and to his Nation. I have no doubt he will campaign successfully as a true representative of the best interests of the people.

Mr. BUSH. Mr. President, I am delighted that my distinguished friend from California has added his voice to the accolade of approval of our good colleague from Massachusetts. I wish to emphasize the great record of the Senator from Massachusetts about which the Senator from California spoke at the end of his remarks today. He has served his State and Nation for a period of 40

years. I reemphasize the point which I made earlier in my remarks, that it is inconceivable to me that the people of a State with so high a degree of intelligence and education as exists in the State of Massachusetts could possibly reject a man of the quality of LEVERETT SALTONSTALL, a man who has so faithfully, ably and well served his State over a period of 40 years.

As I said before, the name of SALTONSTALL, not merely over a period of 40 years, but generations, has been synonymous with public service in the State of Massachusetts. I am grateful that my friend has added his word of approval.

Mr. KUCHEL. I thank my able colleague.

Mr. DIRKSEN. Mr. President, I am delighted that I returned from the White House in time to concur in all the expressions which are being made with respect to our distinguished friend and colleague from Massachusetts. He is truly a seasoned statesman and a seasoned legislator. There is about him that fine restraint, sometimes called New England reserve, which has much to do with impelling him also to approach every legislative problem in the national interest and on a high level. I have served with him in season and out on the Appropriations Committee. We have served together in the leadership meetings with the President, in the policy committee, and our own party conferences. His perspective and his viewpoint have never been dimmed or narrowed by provincial considerations. I fully subscribe to and join in the statements that were made concerning his service to his constituency in the great State of Massachusetts, but perhaps more so to the people of the United States of America. He regards himself not only as a Senator of that State, but also as a Senator of the United States of America. From that high vantage ground he has always pursued his public responsibilities.

He deserves all the acclaim we can accord him, and we do wish him well in the approaching contest. As I have said on a number of occasions, the people of the State of Massachusetts will not be serving him; they will be serving themselves best when they send back a man of such great background as a member of his legislature, as Governor of his Commonwealth, and then for a long period of time as a Senator of the United States.

Mr. KUCHEL. The eloquent comments which our Republican leader in the Senate has uttered reflect the feelings of all of us on this side of the aisle with respect to the senior Senator from Massachusetts. I now yield to the Senator from New York.

Mr. JAVITS. Mr. President, I would very briefly like to second what has been said by the minority leader, by my colleague from California, by my colleague from New York, and by my colleague from Connecticut, with reference to LEVERETT SALTONSTALL'S service. All this is not praise, and it is not extolling him. It is recognizing the facts with respect to a valuable public servant when we see one. It is recognizing a man of very high character. I know of no man who has set for himself a higher standard of probity and integrity in terms of his thinking and the thinking of others than has Senator SALTONSTALL. He graces a body like this by the climate which he creates in it.

I believe with my colleagues that the people of Massachusetts are not only well served, but that they also make a significant contribution to the deliberations of the Senate and the affairs of men by having given us LEVERETT SALTONSTALL. We hope very much that they will give him to us for many more years to come.

Mr. KUCHEL. I thank my colleague from New York.

THE MINIMUM WAGE BILL

Mr. JAVITS. Mr. President, I could not help but hear, today, the discussion which took place with respect to consideration of the pending minimum wage bill. My mind went back to the colloquy which occurred before we left here for Sunday, with the distinguished Senator from Massachusetts [Mr. KENNEDY], who is his party's nominee for the highest office in the land, about the fact, which I think needs constant emphasis, that, as my friend and colleague from New York [Mr. KEATING] has made so crystal clear, there are a very substantial number of Members on this side, as there are on the other side, who are very anxious to get on with the pending business and to vote on the minimum wage bill.

Mr. President, I point out that a number of us tried to facilitate that, not only by urging it, but also by removing from the consideration of the minimum wage bill any of the discussion with respect to the very hotly debated subject of civil rights, upon which so many of us feel very keenly.

I say that because I think the debate is not partisan. I think the Senators who are engaged in it are entitled to great credit. The country needs to be aroused to the fact that, without regard to party, there is here a very solid coalition in favor of the passage of a minimum wage bill, which is being frustrated and delayed by some who feel that they might profit by delay.

I wish immediately to point out that my dear friend and colleague, the junior Senator from Arizona [Mr. GOLDWATER], who is quite sincerely opposed to the bill, is here, and that he was very wise and statesmanlike in making it clear, the other day, as soon as he had an opportunity to do so, that so far as he is concerned, he is not pretending to lead the Republicans, or anything of the sort.

The country should have very clearly in mind, therefore, the fact that there may be quite sincere opposition and deeply held opposition, and that the Senator from Arizona is ready to meet the issues as they come up, and that there is also support for this particular measure on both sides of the aisle.

Mr. GOLDWATER. Mr. President, will the Senator from New York yield?

Mr. JAVITS. I yield.

Mr. GOLDWATER. I should like to point out that yesterday we spent almost the entire day on other matters. We were here a considerable number of hours, but only two speeches on the subject of the minimum wage bill were made. I think the total amount of time spent on that subject on yesterday was about 1½ hours.

Those of us who are opposed to this measure or the Members of the Senate who wish to see the measure changed before it is passed have not been the ones who have been delaying action on it; and I may point out that this has not been a partisan matter. Only a handful of Republican Senators and only a handful of Democratic Senators have spoken to the subject.

So I cannot agree with anyone who says action on this bill has purposely been delayed. It has not been.

I repeat what I said the other day: that were we in a regular session of the Congress, I can assure my friend, the Senator from New York, that consideration of this bill would take 3 weeks; and he knows full well that it would, because this bill is an extremely complicated one. Many members of the Committee on Labor and Public Welfare are not aware of what the bill provides.

So I wish to correct any misapprehension which my good friend, the Senator from New York, may have left in the minds of some persons—namely, that the junior Senator from Arizona or any of the other Members of this body who have been engaged in debating this measure have been purposely delaying action on it.

I may say there was a very good chance—in fact, I would say an excellent chance—that we could vote on yesterday on the pending amendment. But some Senators talked about the medical care bill almost the whole day long, even though that bill is not even on the floor.

Mr. JAVITS. I thank my friend for his remarks, which are quite in keeping with what I said about the way in which he has comported himself in this debate.

DESIRABILITY OF CONFIRMATION OF NOMINATIONS OF EARL KINTNER TO FEDERAL TRADE COMMISSION AND ROBERT BICKS TO DEPARTMENT OF JUSTICE

Mr. JAVITS. Mr. President, I should like to join in the plea which quite properly and very pertinently was made yesterday by the junior Senator from Wisconsin [Mr. PROXMIRE], on the majority side of the aisle, in favor of confirmation by the Senate of the nomination of Earl Kintner to be head of the Federal Trade Commission and the nomination of Robert Bicks to be Chief of the Antitrust Division of the Department of Justice.

I wish to emphasize one note which was intimated in the course of the excellent address by the junior Senator from Wisconsin [Mr. PROXMIRE], but which I believe deserves reiteration and emphasis. It goes to the fact that it is reported in the press that the chairmen of the respective committees which are considering these nominations felt that the ends of justice and the national interest were adequately cared for by

the fact that both of these men would be serving on a temporary basis as interim appointees.

Mr. President, I thoroughly disagree as to that. I do not believe that answers the question at all. In the first place, it jeopardizes the prestige, influence, and impact which they may have on those with whom they do business. That is an extremely important point when one is engaged in activities as important as those carried on by the Federal Trade Commission or by the Antitrust Division of the Department of Justice, and particularly when one is contending with interests as powerful as those with which those two agencies contend.

So I think that situation very damaging to their capability to do the jobs which those gentlemen have to do, and to the required impact they are able to have.

In the second place, these two gentlemen are of the highest quality; and I have little doubt that if a new President should desire them to retire from their offices, in order to make way for someone else, they certainly would give that the highest consideration, as would be fitting.

Mr. President, beyond anything else in that regard, giving them a temporary status does not equip them to do the job which they have demonstrated they can do so superbly well in the public interest.

That is point No. 1. Second, we are anxious to get good men in Government. Whoever wins in the coming national election—and those of us here on this side of the aisle certainly hope our side will win it, and we will work very hard to see that it does—will need dedicated public servants. When a man comes to consider whether he should go to work in Washington, he will be considering the record as well as the opportunities, and the treatment which was meted out to those who held the same or similar jobs. I do not see that this in any way is an encouragement to public servants of the quality and character of these public servants, Mr. Kintner and Mr. Bicks, who have so very capably and effectively demonstrated their contribution to the public service. It certainly is not a good precedent to leave them dangling just because some of us, or some on the other side of the aisle, may be concerned about the political advantages of not confirming their nominations for those offices in the present session. I do not think there are any political advantages in that. That is why the Senator from Wisconsin [Mr. PROXMIRE] is to be praised for speaking for them from the majority side.

There are a great many issues at stake in respect to the confirmation of these appointments. Whatever may be my differences with the Senator from Mississippi [Mr. EASTLAND], chairman of the Judiciary Committee, he is nonetheless a man of great responsibility here in terms of the position which he holds in the Senate. So I very much hope he may reconsider the proposition of confirming the Bicks nomination.

The same is true of my very dear friend, with whom I have served for a very long time in one way or another, the distinguished chairman of the Senate Interstate and Foreign Commerce Committee, the Senator from Washington [Mr. MAGNUSON], a man for whom I have very high regard and great affection.

I hope very much he, too, may give further consideration to the high desirability, in the public interest, of bringing up before the committee the matter of the confirmation of the nomination of Earl Kintner.

Mr. KEATING. Mr. President, will the Senator yield to me?

Mr. JAVITS. Yes.

Mr. KEATING. The distinguished senior Senator from New York has performed a great service in calling our attention to this matter. Both of these nominations have been pending a long time. I have had the unique opportunity to see both of these men in action. I well remember, as a member of the House Committee on the Judiciary, the frequent appearances before us of Mr. Kintner. Very few, if any, public servants from the executive branch under any administration have impressed me as much with their grasp of the issues as did Mr. Kintner in his presentations to us. He is a man of unusual ability; and it is regrettable, indeed, that his nomination to this post has not been confirmed before this.

As for Mr. Bicks, I say to my colleague from New York that I have brought this matter up before in the Committee on the Judiciary. We were supposed to meet this morning, but an objection was made to a meeting while the Senate is in session. I anticipate, however, that we will have a meeting before the session is over—and it is my intention, if I may get recognition in that committee, to urge that his nomination be brought before us.

My senior colleague from New York and I are not only acquainted with Robert Bicks, but well acquainted, and we know of his unusual standing in the legal fraternity in the State of New York. His father is a distinguished Federal judge. His mother is a woman of unusual distinction in the community. Robert Bicks is one of the ablest young men I have ever encountered in Federal service. He has performed a conscientious and outstanding job as the Chief of the Antitrust Division. Time and again it has been brought to my attention that he has conducted himself there in a very lawyerlike and objective manner.

The problems which come before that division for consideration are complex. It is very difficult, in many cases, to know whether or not an action should be brought for a violation of the antitrust laws. There is no field of law more uncertain. I believe that Robert Bicks has displayed a maturity of judgment and initiative and an outstanding ability which thoroughly justifies the Attorney General in recommending that he be made the head of the division.

I share the hope of my senior colleague that action can be taken on this nomination at this session before we leave here. It is necessary to a proper conduct of that office that it be done. I know that the Attorney General is very anxious that it be done. I can only say that anything within my power, as one member of the committee, will be done to expedite the favorable consideration of this nomination and other important nominations pending before the committee.

Mr. JAVITS. I am extremely grateful to my colleague. He can be very helpful in the committee, and I am delighted to hear he will raise the matter personally.

Mr. BUSH. Mr. President, will the Senator yield?

Mr. JAVITS. In just a moment. Let me complete this thought.

I know how effective my colleague from New York is. I am very hopeful that his action may be the fulcrum upon which this matter may turn.

I may say that Bob Bicks is a New Yorker. This is a case in which I can speak with the greatest depth of feeling. I know his family, as does my colleague from New York [Mr. KEATING]. Here is a young man not only of great capability and training and proven ability for the job, but with a family background that is most unusual in terms of giving him a tradition which entitles him to be entrusted with a very high public office.

Out of political season, we always talk about our desire to want the Federal establishment to be staffed by disinterested public servants, not carrying in their minds any political thoughts. I know of no one who would be superior to Bob Bicks from that standpoint in doing his job, whoever might be proposed from the other side, and whatever his political connections. It seems to me this is the time to say we are above politics when we come to this consideration. Indeed, it is the best kind of politics. It is in that sense that I appeal to the chairmen of the committees in respect of these nominations.

Mr. BUSH. Mr. President, I thank the Senator for yielding. I wish to endorse what the Senator has said about Mr. Kintner and to express the same hope he expressed.

I also wish to speak for a moment in regard to Mr. Bicks. I ardently hope that the nomination of Mr. Bicks may be reported favorably, taken up and acted upon by the Senate, because I think Mr. Bicks has earned confirmation of his nomination by distinguished service in the Department of Justice.

There is one angle which I think ought to be brought out. Our party is frequently called the party of big business. We are accused, erroneously and unfairly, I believe, of showing partiality to big business, and so forth. I think if the record were carefully examined and objectively examined it never would sustain the charge, but instead would show that we are very much the friend of small business and the friend of all business.

The important thing about the nomination of Mr. Bicks is that the nomination has run into some opposition from the field of big business. There have been big business operators who have pled that the Bicks nomination should

be set aside. I simply wonder whether it is responsive to that plea from big business that our friends across the aisle are holding up the nomination of Mr. Bicks. Are they doing it at the request of big business? Why are they doing it?

Does the Senator have any comment in that regard?

Mr. JAVITS. I would say that the remarks of my colleague from Connecticut are certainly pertinent, and they bear upon the matter of getting the Bicks nomination acted on, so that these questions may not arise or be considered as germane to the proposition. I think it is pretty open knowledge that the Republican fund raisers find it very difficult in some areas of business because of the fact that this great support has been vested in Bob Bicks, in terms of the antitrust laws.

Mr. BUSH. If the Senator will permit me to interrupt further, the Senator is not implying, is he, that the Democrats might be getting the money because they are holding up the nomination of Mr. Bicks? I would not believe that could be sustained.

Mr. JAVITS. No. I think the Senator from Connecticut and I and others of our colleagues have done our utmost, even though this is a hot political season, to keep, as much as we can, the things we are trying to do clear of those implications and to not cast those colorations ourselves.

I would not believe—and I say this advisedly—that such has anything to do with the matter. I think too highly of my colleagues who are concerned to have any such view. I am quite confident the Senator from Connecticut feels the same.

I think what the Senator from Connecticut has given voice to is really a series of questions which one asks one's self when the nomination of so desirable a public servant, whose nomination has been pending so long, who appeared before the committee, who seems to have satisfied every conceivable reason why his nomination should be confirmed, is nonetheless not confirmed. The theory is advanced that he can do the job as well because he serves in an interim status, but I think we would agree—certainly the Senator from Connecticut and I would—that simply is not so.

I am very grateful to my colleague, because I think he has made more sharp the point I was trying to make.

Mr. JAVITS. Mr. President, I ask unanimous consent that the biography indicating the rather extraordinary record of Earl W. Kintner, acting as Chairman of the Federal Trade Commission, though not confirmed by the Senate for that position, be printed in the RECORD at this point.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

Earl W. Kintner, Chairman, born November 6, 1912, at Corydon, Ind., and grew up on farm in Gibson County, Ind., near Princeton. Republican. Supported self from age of 8, successively doing farm, restaurant, and newspaper work. Attended public schools Princeton, Ind.; A. B. DePauw University, Greencastle, Ind., 1936; J. D. Indiana University School of Law, Bloomington, Ind., 1938. General law practice, Princeton, Ind., 1938–44; city attorney, Princeton, 1939–42; prosecuting attorney, 66th Indiana judicial circuit, 1943–44, reelected 1944 and 1946 but resigned due to military service. U.S. Navy, ensign to lieutenant, 1944–46; Amphibious Forces, 1944–45; 1946–48 Deputy U.S. Commissioner, United Nations War Crimes Commission, serving as cochairman of committee reviewing allied war crimes matters; chairman legal publications committee and editor law reports; edited official volume on development of laws of war and privately edited volume "The Hadamar Trial." Federal Trade Commission 1948, trial attorney on antimonopoly; 1951, legal adviser; 1953–54, delegate to President's Conference on Administrative Procedure, chairman, committee on hearing officers; planned and edited "Commission's Manual for Attorneys; 1953–59," General Counsel; sworn in June 9, 1959, as members of Commission for unexpired term ending September 1960; designated Chairman by President Eisenhower June 11, 1959. President, Federal Bar Association, 1956–57, 1958–59; president, Foundation of Federal Bar Association, 1957–; president, Federal Bar Building Corp., 1958–; president, National Lawyers Club, 1959–; chairman, section of administrative law, American Bar Association, 1959–60; house of delegates, American Bar Association, 1959–; member council, section of antitrust law, ABA, 1958–; member executive committee, New York State antitrust law section, 1957–; adjunct professor New York University School of Law, 1958; admitted to practice Indiana and District of Columbia, U.S. Supreme Court and other bars. Member Cosmos, Capitol Hill, and National Press Clubs, Washington, D.C. Member American Legion; DAV (life member); Federal Club of Washington; Masons (Shriner and past master); Phi Delta Phi; Pi Sigma Alpha; Delta Sigma Rho; Sigma Delta Chi, Washington Professional Chapter; American Bar Association; American Judicature Society, and other legal organizations. Member St. Thomas Episcopal Church, Washington; married to Valerie Patricia Wildy and lives at 3037 Dent Place NW., Washington, D.C., with wife and sons Christopher, age 3, and Jonathan, age 15.

NEW USE FOR ELLIS ISLAND

Mr. JAVITS. Mr. President, many Americans still think of Ellis Island with a certain air of nostalgia because this spot of land in New York Harbor was once the gateway to America for millions of immigrants, the first bit of American soil they touched.

Mr. President, everybody remembers the historic words of Emma Lazarus inscribed on the Statue of Liberty, expressing this sentiment in the most eloquent way.

Today a new career for Ellis Island is being contemplated in a number of proposals to make it a center of higher learning. The need for such an institution seems to be unquestioned, but discussion over what kind of an institution it should be has led to a number of provocative proposals.

One of those proposals, Mr. President, is for an Ellis Island University, a proposal with which my colleagues should be acquainted, as set forth in an editorial in the New York Times published on August 11.

Mr. President, I ask unanimous consent to have the editorial analyzing these proposals, which appeared in the New York Times, August 11, entitled "An Ellis Island University?" printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN ELLIS ISLAND UNIVERSITY?

Discussion this week of Ellis Island's future found a majority of organization spokesmen in support of establishment of an institution of higher learning on the historic 27 acres of now unused real estate. Proposals at a special session arranged by the Federal Government's General Services Administration and the Department of Health, Education, and Welfare ranged from the founding of a liberal arts college, advocated by a group of distinguished academic leaders, to the creation of a special university for foreign students or a training center for Americans preparing to serve their country abroad.

The proposals were made with the highest motives of idealism in the service of education. But before any of these plans are translated into action the practical facts ought to be fully examined.

Of the various proposals perhaps the most questionable is the idea of an institution exclusively for foreign students. One of the most important aspects of a foreign student's stay in America, at least as vital as his academic objectives, is the chance to become part of American campus life within the American community. Any segregation of foreign students on a campus of their own would, it seems to us, wipe out some major gains of the exchange idea.

There may well be similar objections to a segregated center for the training of Americans who will represent their Nation abroad. The American spirit may best be exported by men and women with the broad background of a first-rate general education coupled with high technical skills. A special center might be suspected of substituting indoctrination for education.

None of these objections would stand in the way of a good liberal arts college or, perhaps, an experimental college or university. The need for experimentation in higher education is beyond question. But before Ellis Island is selected as the site, expert estimates of costs should be obtained on everything from transportation to and from the island and problems of housing for students and faculty to the renovation and conversion of buildings. Recent surveys of college financing have turned up devastating evidence that white elephant college plants, inherited from a less functional past, are eating away at teachers' salaries and thus the quality of education. It would be especially unfortunate to see an experimental institution handicapped by an uneconomical maintenance burden.

None of these objections should prejudice the final decision or obscure the good intent of the proposals. But idealistic aims should not be endangered by lack of economic realism.

Mr. JAVITS. Mr. President, I couple this request with an urging that the General Services Administration, as speedily as possible, should bring about the consummation of some constructive use for this very historic island in New York Harbor.

CONFLICT-OF-INTEREST LEGISLATION

Mr. JAVITS. Mr. President, on the subject of conflict-of-interest legislation, there is being published today by Harvard University Press one of the most important reports on Government activities in recent years, the report of the special committee on the Federal conflict-of-interest laws of the Association of the

Bar of the City of New York. At the time this report was released in preliminary form on February 22, 1960, I introduced, together with the junior Senator from New York [Mr. KEATING] and the Senator from Wisconsin [Mr. PROXMIRE] a bill drafted by the special committee to implement its recommendations, S. 3080. This bill has received no action in the Committee on the Judiciary, where it is pending, nor have any other bills on this important issue, which is a matter of the very basis of fair and impartial government. The one bill on this subject which has been reported to the Senate, S. 1734, which was reported from the Committee on Interstate and Foreign Commerce on August 12, 1960, has been languishing ever since on the Senate Calendar.

Mr. President, I certainly think that this is a matter of the most urgent kind. Whenever we get into difficulty and find some public servant or public official who has not been true to his trust we always talk about the fact that we need to have a code of ethics or a standard of ethics, and just as promptly forget about the entire matter when the situation passes from the headlines.

Therefore, I think it is an act of statesmanship on our part, rather than headline hunting, to work very hard to see that such legislation is placed on the statute books out of season, when the hard day-to-day work has to be done. I hope very much that this subject will have early attention of the committees charged with studying it.

Plenty of proposed legislation has been introduced. This great report by the special committee of the Association of the Bar of the City of New York is one of the most illuminating documents I have ever read on this subject.

Mr. President, there is no dearth of experts. There is no dearth of proposals. There is no dearth of materials for action. What there is a dearth of is action. Action is what I urge, Mr. President.

I ask unanimous consent that there may be printed in the RECORD at this point an article from this morning's Washington Post commenting on the report of the Association of the Bar of the City of New York.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NEW LEGISLATION IS URGED TO DEAL WITH CONFLICT OF INTEREST

(By Julius Duscha)

During the Civil War, enterprising Government clerks augmented their meager salaries by helping citizens to sue the Government.

Today such enterprise would quickly lead to a conflict-of-interest investigation by a congressional committee.

But 100 years ago there were no investigations on Capitol Hill. Many Senators and Representatives were as busy prosecuting claims against the Government as were the clerks who had access to the files.

Some Members of Congress even bought space in Washington newspapers to advertise their availability as claims prosecutors.

Although Washington is now relatively free from such flagrant violations of Government trust, many other conflict-of-interest matters remain unresolved.

In a book published today, "Conflict of Interest and Federal Service," the Association of the Bar of the City of New York urges Congress to write a new statute to deal with conflicts of interest among Government employees.

The report notes that much of the present conflict-of-interest legislation was passed by Congress as a result of the excesses of a century ago and is as obsolete as a Civil War cannon.

"As Government has grown in size," the study points out, "it has undertaken many new functions formerly private and has become a more or less overt force in many more. * * *

"The importance of the new mixed economy to modern conflict of interest problems cannot be overemphasized. * * * It has infinitely multiplied the contacts between citizens and the Government, between private economic interests and the Government. * * *

"As the line between private and public blurs into a broad gray band, the possibility of joint or overlapping interests increases, the whole premise of conflicts regulation begins to be undermined."

Elsewhere, the report says:

"In the United States today we cannot hope to build a system of restrictions that will keep all persons connected with the Government from acting in any matter in which they have a personal interest. Such a system is a mirage."

The report says it is a mirage because "in our mixed economy * * * we can no longer hope to keep our interests in neat identifiable compartments."

As an example, the report cites scientific activities, where "Government, industry, and educational institutions are operating full blast on a partnership basis."

"It has become archaic, impractical, and inconsistent in such a situation," the report goes on to note, "to say that a scientist may not work for Government unless he ceases to work for industry or for an educational institution."

"We are deliberately constructing institutions of dual, or blended, loyalties, and must be prepared to live with the conflict of interest consequences," the report concludes.

The report, published by the Harvard University Press, is the result of a 2-year study financed by a $72,500 grant to the bar association from the Ford Foundation.

The association's 10-man special committee on the Federal conflict of interest laws, which was responsible for the report, was headed by Roswell B. Perkins, a former Assistant Secretary of Health, Education, and Welfare, and included Charles A. Horsky, a prominent Washington lawyer.

Directed by Bayless Manning, professor of law at Yale University, and Marver H. Bernstein, professor of politics at Princeton University, the report is the first comprehensive study of conflict-of-interest problems.

The legislative recommendations were made public last February. They include prohibitions against Federal employees receiving money or gifts from persons with which they deal in an official capacity. Also, a Federal employee would be barred from acting in any matter in which he has a personal financial interest.

The legislation would, however, ease the present restrictions on activities of former Federal employees in their dealings with the Government. The prohibitions would apply only to matters which came before an employee when he worked for the Government.

The proposed bill also would allow a businessman who accepts, say, a Cabinet post to keep his rights in a pension plan or other "security oriented" compensation program financed by private industry.

The report does not go into the problems of congressional conflicts of interest, except to note that they are many.

Mr. KEATING. Mr. President, will my colleague yield?

Mr. JAVITS. I yield.

Mr. KEATING. I read with great interest the book entitled "Conflict of Interest and Federal Service" recently issued. The book should emphasize to the Nation and particularly the Congress, the need for strengthening and bringing up to date our conflict-of-interest statutes. This volume actually consists of a report prepared by a special committee of the Association of the Bar of the City of New York, under the able leadership of Roswell B. Perkins, which first appeared in February of this year.

This comprehensive report is a milestone in the study of the relation between ethical conduct and governmental service. It represents a vital contribution to the study of how best to attract and hold in Federal work, individuals of the highest ability and integrity.

Following the issuance of this report in February, I joined with my senior colleague from New York [Mr. JAVITS] in introducing a broad ethics bill based on the recommendations of the bar association special committee. This measure, S. 3080, seeks to codify various conflict-of-interest laws, repeals those which are now obsolete, and extends their application to cover more people in the Federal service. The bill places main reliance on administrative and civil remedies for those who violate the proposed rules and regulations. Charged with overseeing the application of the law would be an administrator appointed by the President and serving within the Executive Office. I know that my senior colleague [Mr. JAVITS] shares this view.

A principal shortcoming of S. 3080 is that it does not apply to Members of the House and Senate and their employees. This is a subject in which I have long taken an interest, since I feel that we in Congress should be subject to just as tight restrictions as any other Federal employee with regard to conflict-of-interest problems. However, I ought to point out that the special committee which drafted this bill did recommend that a study be made of the subject of conflict of interest and Congress—a proposal which is embodied in a bill I previously introduced to create a Commission on Ethics in the Federal Government.

It is my hope that publication of this volume yesterday will spur action in this vital field. There has been an abundance of talk but a woeful lack of action by Congress on this subject. It is important for the future of our Nation that we clarify once and for all the conflict-of-interest status of Federal workers, including Members of Congress. To do this we must codify the present laws, and we must update and strengthen them.

This is a task which should be delayed no longer. S. 3080 provides a reasoned, practical basis for the congressional action I hope will be forthcoming.

I commend my colleague for calling attention to the publication of this very important work on the subject.

Mr. JAVITS. Mr. President, I thank my colleague for his comments and join him in the statement which we have both stood for so constantly, and which we think is only fair and just, that Members of Congress and their employees should be treated the same as other Federal employees, and also to pay tribute to our distinguished fellow New Yorker, Roswell B. Perkins, who has taken the leadership of the Bar Association of the City of New York in this endeavor.

"LEADING QUESTION"—CIVIL RIGHTS VOTE

Mr. JAVITS. Mr. President, during the "Leading Question" broadcast of Friday, August 12, 1960, on which I appeared with the Senator from Pennsylvania [Mr. CLARK] a statement made by me regarding the vote in the Senate last week when the greatest part of the majority voted to table even a minimal civil rights bill at this time has led to a misunderstanding which I wish to clear up immediately.

To set the record straight, four Democrats voted with an overwhelming majority of Republicans on Tuesday, August 9, against a motion to table the extremely moderate civil rights legislation introduced by the minority leader, the Senator from Illinois [Mr. DIRKSEN]. Those Democrats were Senators PAUL DOUGLAS, PHILIP HART, PAT MCNAMARA, and WAYNE MORSE. They have long been associated with the cause of civil rights and their support was most welcome, coming as it did at a time when many of their Democratic colleagues who normally join forces with us on civil rights did not vote with us on this occasion.

A constituent of the Senator from Illinois [Mr. DOUGLAS] heard the "Leading Question" broadcast and understood me to say that the Senator from Illinois [Mr. DOUGLAS] had cast his vote for the tabling motion, when, in fact, he did exactly the opposite, along with the three other Democratic Senators noted earlier.

The Senator from Illinois has a consistent and courageous record on civil rights. During his very first year in this body he joined in the fight to invoke cloture during the filibuster against the FEPC bill, and he has been very active in a leadership position in that fight ever since.

It would be exceedingly unfair to the Senator from Illinois to allow any such misunderstanding as I apparently created, quite unwittingly, to remain of record. Therefore I have hastened at the earliest moment to make perfectly clear to his constituents the unimpaired record which he has always had upon this question, carried out with full consistency by his vote a week ago today.

COMMITTEE MEETING DURING SENATE SESSION

Mr. ELLENDER. Mr. President, I suggest the absence of a quorum.

Mr. JOHNSON of Texas. Mr. President, will the Senator withold that suggestion momentarily?

Mr. ELLENDER. I withhold it.

Mr. JOHNSON of Texas. The distinguished Senator from Arkansas [Mr. MCCLELLAN] has a request he would like to make. I understand he has cleared it with the minority leader. I ask unanimous consent that the distinguished Senator from Arkansas may have permission for the Permanent Investigating Subcommittee of the Committee on Government Operations to meet during the sessions of the Senate today and tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. I discussed the matter with the Senator. This is very important business that his subcommittee must discharge. I regret I was not on the floor earlier when the request was made. I must say that I had hoped that perhaps the Committee on the Judiciary might meet this morning, because there are a number of matters it must dispose of. However, I understand the time has now gone by. I would have agreed to any request in that connection, but I could not be here, because of other matters. I understand now that the request will be made on Friday, and that will be quite agreeable.

Mr. MCCLELLAN. I understand that the request is for the subcommittee to meet today and tomorrow.

Mr. JOHNSON of Texas. Yes; today and tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, I renew my suggestion that a quorum is not present.

The PRESIDING OFFICER. The clerk will call the roll.

The Chief Clerk proceeded to call the roll.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. JOHNSON of Texas. Mr. President, since last Wednesday we have been attempting to get a vote on proposed minimum wage legislation. Now it appears that the proponents of the pending amendment are willing to enter into a unanimous-consent agreement which would become effective at 2 o'clock and would allow an hour on each side on the pending amendment.

I ask unanimous consent that on the pending Holland amendment, beginning at 2 o'clock the time for debate be limited to 2 hours, 1 hour to be controlled by the proponent of the amendment and 1 hour by the majority leader.

The PRESIDING OFFICER. Is there objection?

Mr. COOPER. Mr. President, reserving the right to object, I should like to propound a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Kentucky will state it.

Mr. COOPER. If the unanimous-consent agreement were entered into, would it preclude the offering of an amendment to the Holland amendment?

The PRESIDING OFFICER. The agreement would only limit the debate.

Mr. JOHNSON of Texas. Mr. President, I should like to include the request of the Senator from Kentucky in the time limitation. Does the Senator have any idea how much time he would like to have?

Mr. COOPER. No; it might depend on questions I should like to address to the Senator from Florida. In order to be protected, I shall submit the amendments. I am not certain that I shall call them up. That will depend on the explanation made of the Holland amendment.

Mr. JOHNSON of Texas. Mr. President, I shall amend the proposed unanimous-consent agreement to include the Holland amendment and amendments thereto.

Mr. COOPER. I have no objection to that. I send my amendments to the desk.

The PRESIDING OFFICER. The agreement is limited to 2 hours. Without objection, the agreement is entered.

Mr. HOLLAND. Mr. President, reserving the right to object, and I shall not object——

Mr. JOHNSON of Texas. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Texas will state it.

Mr. JOHNSON of Texas. Has the agreement been entered?

The PRESIDING OFFICER. The agreement has been entered.

Mr. JOHNSON of Texas. The Chair ruled that it had been entered.

Mr. HOLLAND. Mr. President, I was seeking recognition. I understood we were considering the proposed unanimous-consent agreement.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that the agreement be vitiated. Although the Chair announced that it had been entered, the Senator from Florida had sought recognition.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HOLLAND. I appreciate the action of the Chair in vitiating the agreement. I have no objection to the agreement, and I hope it will be entered into. I offered, 2 or 3 days ago, as the RECORD will show, to follow the course being taken now.

What I wish to make clear is that in view of the fact that some Senators have expressed fear that the amendment might apply to other than agricultural labor, I have proposed to reword the amendment so as to make it very clear that it will apply only in the agricultural field, because that is the only field to which it was intended to be applied.

Mr. President, I send to the desk a substitute amendment and ask that the

proposed unanimous-consent agreement be applicable to it, rather than to the amendment in its original wording. I have copies of the substitute amendment for Senators who have expressed some interest in this subject matter. That was the only purpose for which I desired to be recognized.

Mr. President, I ask unanimous consent that the substitute amendment be printed at this point in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

On page 24, between lines 5 and 6, insert the following:

"SEC. 11. Except as may otherwise be expressly provided by law, the Secretary of Labor shall have no power to regulate, either through the withholding of benefits or services or otherwise, the wages or hours of employment of employees employed in agriculture (as defined in section 3 (f) of the Fair Labor Standards Act of 1938)."

On page 24, line 7, strike out "SEC. 11" and insert "SEC. 12".

Mr. JOHNSON of Texas. Mr. President, I renew my request, and ask that it apply to the substitute Holland amendment.

Mr. COOPER. Mr. President, reserving the right to object, is it understood that if I call up one of my amendments, it will be included in the unanimous-consent agreement which provides for 2 hours of debate?

Mr. JOHNSON of Texas. Yes.

Mr. HOLLAND. My understanding was that the unanimous-consent request would cover my amendment and any amendments thereto. It is quite agreeable to me to have any amendments thereto considered under the same time limitation. I have no objection to the request.

Mr. COOPER. I should like to make it clear that I am not yet certain that I shall call up my amendments. That will depend on the explanation to be made by the Senator from Florida.

Mr. HOLLAND. Mr. President, do I correctly understand that, in accordance with custom, the provision requiring germaneness will be contained in the unanimous-consent agreement?

Mr. JOHNSON of Texas. Yes; the usual form will be followed.

Mr. HOLLAND. I have no objection.

The PRESIDING OFFICER. Without objection, the agreement is entered.

The unanimous-consent agreement, as subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That, effective at 2 o'clock, during the further consideration of the amendment by the Senator from Florida, Mr. HOLLAND (a modification of his amendment designated as "8–12–67—E") and all amendments thereto, debate shall be limited to 2 hours, to be equally divided and controlled by the mover of the amendment and the majority leader: *Provided*, That no amendment that is not germane to the amendment shall be received.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States were communicated to the Senate by Mr. Miller, one of his secretaries.

REPORT ON PROMOTION OF PEACE AND STABILITY IN THE MIDDLE EAST—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER (Mr. BURDICK in the chair) laid before the Senate the following message from the President of the United States, which was referred to the Committee on Foreign Relations:

To the Congress of the United States:

I am transmitting herewith the fifth report to the Congress covering activities through June 30, 1960, in furtherance of the purposes of the joint resolution to promote peace and stability in the Middle East. This report supplements earlier reports forwarded to the Congress.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 15, 1960.*

(NOTE.—Only copy of report transmitted to the House of Representatives.)

REPORT ON U.S. PARTICIPATION IN THE U.N.—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Foreign Relations:

To the Congress of the United States:

Pursuant to the United Nations Participation Act, I transmit herewith the 14th annual report, covering U.S. participation in the United Nations during the year 1959.

Once again in 1959 the United Nations demonstrated its value in promoting the goals of peace which the people of the United States hold in common with the great majority of the peoples of the world. Especially significant were United Nations actions in response to a request for help from Laos; in promoting cooperation in the peaceful use of outer space; in furthering the economic and social welfare of peoples in rapidly or newly developing nations; and in guiding and assisting the rapid, historic evolution of dependent peoples toward self-government or independence.

1. When the Kingdom of Laos asked the help of the Security Council in preserving its freedom and independence, the Council dealt with the situation swiftly and effectively. Its decision to send a subcommittee to Laos provided a tranquilizing influence and was followed by further important steps.

The crisis developed from attempts by the Communist bloc to subvert the independence of Laos. Rebel forces within the country were receiving active support from the Communists in north Viet-Nam. Communist propaganda emanating simultaneously from Hanoi, Peiping, and Moscow sought to confuse world opinion.

In these circumstances, the Lao Government appealed to the United Nations for assistance. Over Soviet opposition the Security Council adopted a resolution introduced by the United States establishing a factfinding subcommittee consisting of Argentina, Italy, Japan, and Tunisia.

This subcommittee visited Laos to obtain the facts of the situation at first-hand. Its presence there immediately had a quieting effect. Fighting abated, and the threat to the nation's independence was reduced.

After completing its inquiry the subcommittee issued a report on its findings which helped the Security Council and world opinion to understand better the danger confronting Laos.

In November Secretary-General Hammarskjold visited Laos. He reached the conclusion that one way to speed the return of stability to Laos was to provide international aid and guidance in economic development. He later sent a personal representative, Mr. Sakari Tuomioja, a former Prime Minister of Finland and Executive Secretary of the Economic Commission for Europe, to consider how the United Nations could best assist Laos in this field. Before the end of the year Mr. Tuomioja completed a report recommending a broad economic and technical assistance program for the development of the country.

The Security Council's action on Laos also opened up new possibilities for action in the Security Council free of the veto. In establishing a subcommittee in spite of an attempted Soviet veto, the Council showed that it would not allow the use of the so-called double veto to prevent it from taking a step which was clearly procedural under the Charter.

2. Peaceful cooperation in the realm of outer space took an important step forward in December 1959 when a new United Nations Committee on the Peaceful Uses of Outer Space was established by the General Assembly. This step resulted from extensive discussions at the United Nations among representatives of the United States, the Soviet Union, and other interested states. Thereby new possibilities have been opened for cooperation in a field which, like that of atomic energy, promises widespread benefits to mankind.

The basis for this forward step was laid when the original Ad Hoc Committee on the Peaceful Uses of Outer Space was set up by the General Assembly in December 1958. This Committee met in May and June. It prepared a valuable report which described existing international interests in this field, suggested technical areas where international cooperation could immediately contribute to progress, and identified potential legal problems.

However, the Committee had to conduct its work without the participation of the U.S.S.R., Czechoslovakia, and Poland, who refused to accept the General Assembly's decision on composition of the Committee. India and the United Arab Republic thereupon also declined to attend. Nevertheless, the Committee under the able chairmanship of Japan was able to perform much useful exploratory work, and its report provided a sound basis for further consideration of the peaceful uses of outer space during the 14th session.

In December, after long negotiations at the 14th session of the General Assembly, the Soviet Union decided to participate in a new Outer Space Commit-

tee of 24 members. The General Assembly thereupon established this new group and asked it to study outer space programs which might appropriately be undertaken under United Nations auspices and the nature of legal problems that might arise in outer space.

The General Assembly also assigned to the Outer Space Committee responsibility for working out proposals for an international scientific conference of members of the United Nations and the Specialized Agencies on the peaceful uses of outer space, to be held in 1960 or 1961. The Soviet Union's suggestion of such a conference was immediately welcomed by the United States. It can bring about an important exchange of knowledge in both the science and the technology of outer space.

3. Again in 1959 the General Assembly gave expression to the widespread desire for a sound and workable system of controlled disarmament, and showed its interest in the efforts of the powers principally involved to work out such a system.

In August 1959 the United States, France, the United Kingdom, and the Soviet Union agreed to set up outside of the United Nations framework a new 10-nation Committee to explore possible avenues by which progress might be made in the disarmament field. In addition to these four states its membership includes Bulgaria, Canada, Czechoslovakia, Italy, Poland, and Rumania. It first convened at Geneva in March 1960.

In announcing the formation of this group, the four countries emphasized that the establishment of this Committee "in no way diminishes or encroaches upon the United Nations responsibilities in this field." They also made clear their intention to keep the United Nations Disarmament Commission informed of the progress of the deliberations and to submit reports to it regularly.

Disarmament took up a major part of the debates of the 14th General Assembly. Altogether, the Assembly heard the views of 65 member states, including those of the United States, United Kingdom, France, and the Soviet Union. A resolution was unanimously adopted which expressed the hope that "measures leading toward the goal of general and complete disarmament under effective international control" would be agreed upon in the shortest possible time. The resolution also transmitted various disarmament proposals, including those of the Soviet Union and the United Kingdom, to the new 10-nation group for its consideration. Also submitted to this group was an Irish proposal calling for study of the problem of further dissemination of nuclear weapons.

Two resolutions were passed relating to nuclear weapons tests. The first, addressed to the three powers negotiating in Geneva for an end to such tests, urged them to continue their efforts to reach an agreement "including an appropriate international control system," and meanwhile to continue their present voluntary discontinuance of nuclear testing. The other resolution requested France not to hold its scheduled tests in the Sahara.

4. The tragedy of Communist China's actions in Tibet confronted the United Nations with a serious challenge.

In early March world opinion was shocked by the brutal actions of the Chinese Communists in their efforts to impose communism on Tibet by force. Later the Dalai Lama, the spiritual and temporal leader of the Tibetan people, was forced to flee. From his asylum in India he appealed to the United Nations to consider the plight of his countrymen.

The situation in Tibet was of direct concern to the General Assembly in fulfilling its Charter responsibility to promote universal respect for fundamental human rights and freedoms. Over the opposition of the Soviet Union the Assembly adopted a resolution sponsored by Malaya and Ireland in which it expressed its grave concern over the situation in Tibet and called for respect for the fundamental human rights of the Tibetan people and for their distinctive cultural and religious life.

5. The United Nations once again gave attention to the continuing repression of the people of Hungary.

Both the Soviet Union and the Hungarian regime have consistently refused to permit the United Nations Special Representative on Hungary, Sir Leslie Munro, to enter Hungary on behalf of the United Nations. In spite of this intransigent attitude, he compiled an impressive report on current conditions in Hungary which, among other matters, noted that Hungarian patriots of 1956 were still being put to death.

On the initiative of the United Nations Special Representative and the United States, the General Assembly again placed the question of Hungary on its agenda. The Soviet delegate strongly opposed inscription of an item on Hungary, claiming that it would be contrary to what he called the "spirit of Camp David"—a theme which the Soviet Union sought to exploit throughout the session.

Ambassador Lodge immediately and correctly replied that nothing took place during discussions at Camp David with Premier Khrushchev which would require the United Nations to ignore or condone what was happening in Hungary. He emphasized that if the Soviet Union wished to live up to the spirit of Camp David it should abide by the United Nations resolutions on Hungary and cooperate with Sir Leslie Munro in his efforts to carry out his mandate.

The United States, together with 23 other nations, introduced a resolution deploring the disregard of the Assembly's resolutions by the Soviet and Hungarian authorities and calling upon them to cooperate with the United Nations Representative. This resolution was adopted by a large majority. In addition, the Assembly once again refused to accept the credentials of the representatives of the Hungarian regime. Together, these actions demonstrated the world community's indignation over the continued Soviet-inspired repression in Hungary.

6. The problem of the future of approximately one million Arab refugees from Palestine, most of whom are now in Jordan, the Gaza Strip, and Lebanon, has been a matter of concern to the United Nations since 1949.

This problem required thorough reexamination by the General Assembly in 1959 because the mandate of the United Nations Relief and Works Agency for Palestine Refugees was due to expire June 30, 1960. The United States has continued its substantial support for this major United Nations activity in the interest of the well-being of the refugees and the stability of the area. UNRWA has done an effective job in providing relief to the refugees at a low per capita cost.

The Assembly took several constructive steps in an effort to better the present situation and to find a solution to this pressing problem. It unanimously extended UNRWA's mandate for 3 years with provision for a review at the end of 2 years. It urged the acceleration of programs to make more of the refugees self-supporting. It asked that irregularities in the distribution of relief rations be stopped. Finally, it requested the Palestine Conciliation Commission to make further efforts to secure the implementation of the Assembly's decision in 1948 that the refugees wishing to return to their homes and to live at peace with their neighbors should be permitted to do so and that compensation should be paid for property left behind by those not choosing to return.

The United States stressed during the debate that a fundamental solution of the problem must be sought by all available means.

7. The Assembly made a further significant contribution to stability in the Middle East by voting continued support for the United Nations Emergency Force.

UNEF consists of about 5,000 soldiers from seven countries, patrolling the armistice demarcation lines between the Egyptian part of the United Arab Republic and Israel. It is a remarkable demonstration of what international cooperation can do to help keep the peace.

The cost of maintaining UNEF is the collective responsibility of all member nations who are assessed for its upkeep on the basis of their contributions to the regular budget of the United Nations. However, the Soviet Union has refused to pay any of its share. A number of member states have found difficulty in paying even small amounts. In an effort to reduce the burden on these countries, the United States and a few other countries have made voluntary contributions over and above their regular shares during the past few years.

At its last session the Assembly adopted a resolution under which the voluntary contributions amounting to about $3½ million will be applied to reduce by 50 percent the assessments of members beginning with those with the smallest assessments.

For our part, the United States will continue to support UNEF because we firmly believe it constitutes a major bulwark of peace in the Middle East.

8. The review and possible revision of the United Nations Charter continue to attract considerable interest.

With the full support of the United States, the General Assembly decided again at its 14th session to continue its Committee on Arrangements for a Charter Review Conference and asked the

Committee to report again no later than the 16th session of the Assembly. The United States continues to favor the holding of a review conference whenever a substantial majority of the member states believe that the international climate is conducive to constructive review.

9. As at the 13th and earlier sessions, the Assembly, once again by a sizable majority, decided not to consider the question of Chinese representation. As a result, the position of the Government of the Republic of China in the United Nations was maintained.

10. The General Assembly also once again reaffirmed its desire, against Soviet opposition, to bring about the unification of Korea on the basis of genuinely free elections under United Nations supervision.

11. The United Nations contributed further in 1959 to progress for dependent peoples toward the Charter goal of self-government or independence. In recognition of the rapid progress they have made, the General Assembly acted to terminate United Nations trusteeship in three trust territories in Africa—Cameroun, Togoland, and Somalia—as well as in Western Samoa in the Pacific. The first to achieve independence was Cameroun. A distinguished United States delegation headed by Ambassador Lodge attended the Cameroun inaugural ceremonies on January 1, 1960.

In six other trust territories the United Nations trusteeship system continues to encourage progress in advancing the people toward self-government or independence.

12. It is especially gratifying for Americans that the General Assembly, in reviewing the progress of dependent territories throughout the world, commended the United States for bringing about full statehood for Hawaii and Alaska. On July 4, 1959, the new 49-star American flag was raised at the United Nations, and the 50-star flag replaced it this July.

13. Multilateral action for economic advancement of underdeveloped countries was given added impetus in 1959 as a result of a series of developments in which the United States took an active and leading role.

The financial resources of the International Bank for Reconstruction and Development were doubled and the capital of the International Monetary Fund was increased by 50 percent. The United States, pursuant to congressional action, has increased its subscriptions to these two international financing institutions.

The Board of Governors of the World Bank approved the United States proposal to establish an International Development Association as an affiliate of the Bank. We hope that this institution, which is designed to assist the underdeveloped countries by financing long-term, low-interest projects which cannot be considered by the Bank under its charter, will become operational in the latter part of 1960.

The United Nations Special Fund, which resulted from the initiative of the United States, began its operations on January 1, 1959, with pledges totaling about $25.8 million of which the United States contribution amounted to about $10.3 million. Pledges for 1960, including the United States share, will total an estimated $38.8 million—half again as much as in the first year.

The Special Fund added significantly to the effective work of the United Nations Technical Assistance Program which conducted its activities in 1959 with financial resources amounting to about $29.7 million. The United States contributed about $11.9 million of this amount.

The United Nations is a growing organization—growing both in membership and in maturity. Each year it has been confronted with new issues and, in meeting them, has demonstrated anew what great value it has for man in his quest for peace with justice. Given our sustained and vigorous support, it will continue to advance the interests of the American people and of free nations everywhere.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 16, 1960.*

REPORT ON TRADE AGREEMENTS PROGRAMS—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on Finance:

To the Congress of the United States:

I hereby transmit the Fourth Annual Report on the Operation of the Trade Agreements Program, pursuant to Section 350(e)(1) of the Tariff Act of 1930 as amended.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *July 1 1960.*

REPORT OF OFFICE OF ALIEN PROPERTY—MESSAGE FROM THE PRESIDENT

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, which, with the accompanying report, was referred to the Committee on the Judiciary:

To the Congress of the United States:

I transmit herewith, for the information of the Congress, the Annual Report of the Office of Alien Property, Department of Justice, for the fiscal year ended June 30, 1959.

DWIGHT D. EISENHOWER.

THE WHITE HOUSE, *August 15, 1960.*

EXECUTIVE MESSAGE REFERRED

As in executive session,

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Fraser Wilkins, of Nebraska, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Cyprus, which was referred to the Committee on Foreign Relations.

NONGERMANE DEBATE AND DESIRABILITY OF AMENDING THE SENATE RULES

Mr. CLARK. Mr. President, since we shall mark time as regards our further consideration of the pending bill until 2 p.m., under the unanimous-consent agreement, I should like to address myself to a nongermane subject which has to do with amendment of the Senate Rules, which recently I have been advocating.

As I stated last week, on the floor, before the end of this week I intend to submit, for the consideration of the Committee on Rules and Administration, a series of proposed changes in the Senate rules, intended to expedite Senate action on pending measures.

Today, I should like to state for the record some facts which convince me that the resumed session of the Senate which began a week ago Monday indicates quite clearly the desirability of making a rather drastic change in the rules.

First, I should like to discuss the action of the Senate in connection with the Antarctic Treaty. The basic facts in connection with the treaty are that it was made the pending business when the Senate began its session at noon on Monday, August 8; and it was ratified toward the middle of the legislative day of Wednesday, August 10. However, ratification of the treaty was accomplished by the utilization of a unanimous-consent agreement. Goodness knows how long it would have taken us to ratify the treaty if unanimous consent had not been obtained. I am glad it was obtained; but I point out that one Senator who might have desired to hold up Senate action on the treaty indefinitely could have done so for an interminable length of time.

I suggest that next January there are likely to be many important measures which cannot be dealt with by unanimous consent; and if they cannot be dealt with by unanimous consent, many of them may never be dealt with at all.

To return to the treaty, let me say it became the pending business, as I have stated, when the Senate met at noon, on Monday, August 8. That day the Senate was in session for 7 hours and 52 minutes. But only 29 percent of the total debate that day, exclusive of the morning hour was devoted to the treaty. The total amount of time, exclusive of the morning hour, was roughly 4 hours 45 minutes. Exclusive of the morning hour only 1 hour and 23 minutes were devoted to consideration of the treaty.

Senators may ask how I have obtained these facts. They are the result of studies made during the course of the present session, both before and after the recess, by members of my staff who sat in the gallery and have read the RECORD and have timed the proceedings sufficiently to enable them to determine that it takes about 3 minutes, on the average, to deliver remarks which occupy one column of the CONGRESSIONAL RECORD. One column of the RECORD is 9 inches long, as the RECORD is printed. In making this time determination, we, of course, ex-

clude matter which appears in the RECORD but was not actually spoken.

So, Mr. President, out of a total of almost 8 hours on Monday, August 8, that the Senate was in session, only 1 hour and 23 minutes were devoted to consideration of the treaty.

On Tuesday, August 9, the Senate met at noon and adjourned at 8:54 p.m. On that day, exclusive of the morning hour, the Senate spent 3½ hours on the treaty, 2 hours on nongermane business. Out of almost 9 hours in session only 3½ were spent on the treaty.

A unanimous-consent agreement was entered into just before the end of the session on that day. As a result of that agreement, on Wednesday, when the Senate met at 9:30 in the morning, and adjourned at 9:28 that evening—in short, there was a 12-hour legislative day then—the Senate devoted less than 3½ hours to consideration of the treaty, all of it immediately after the morning hour.

I conclude that the total amount of time, in hours, devoted to consideration of the treaty during that 3-day period was 8 hours and 15 minutes, which actually was only 44 percent of the time, exclusive of the morning hour, when the Senate was in session.

Mr. President, I conclude that a rule of germaneness would have very much expedited our ratification of the treaty. I also conclude that we cannot much longer afford, in the modern world, to put ourselves in a position in which we can legislate only by unanimous consent.

I turn now to the proceedings since we ratified the treaty. Senators will recall that after we ratified the treaty, we moved promptly and successfully to consideration of the public works appropriation bill, which, after no more than reasonable debate, was passed, also on Wednesday. With respect to that appropriation bill, I have no adverse comments to make, insofar as a need for a change in the rules is concerned.

However, after the vote on Wednesday afternoon on the public works appropriation bill, the business now pending, the amendments to the Fair Labor Standards Act, as amended, was called up; and we have been on that business ever since. It was taken up by us on Wednesday of last week. It is now Tuesday of this week; but we have not been able to get even a single amendment to a vote.

Last Wednesday we spent a little more than 1 hour on the amendments to the Fair Labor Standards Act.

On Thursday, the Senate convened at 10 a.m. and took a recess at approximately 7 p.m. On that day the Senate spent approximately 5 hours on the Fair Labor Standards Act amendments. The debate that day was generally germane, because we spent only a relatively small amount of time—about 15 percent of the time, exclusive of the morning hour—on nongermane matters. The Senate took a recess early that day, because we had been advised that we would not be able to vote on that day, and there was not much point in remaining in session any longer, since no other Senator desired to speak, and since, under the rules, Senators who controlled the floor and the debate on the amendments had indicated that they would not permit a vote to be taken then.

On Friday we came in at noon and recessed at 5 minutes before 10, there was no morning hour. The debate was largely germane, but again, after a 10-hour session, we were unable to bring even one amendment to a vote.

On Saturday we came in at 9:30 in the morning and recessed at a quarter to 7, and again despite a lot of politiking most of the time was spent on a germane discussion of the bill. Again, however, we were unable to bring even a single amendment to a vote.

I do not have as yet my analysis for yesterday, but I will undertake to put it in the RECORD either late today or tomorrow.

The point I make is that the Senate, since Wednesday afternoon, has been immobilized by the action of a very small group of Senators, acting completely within their rights and completely in accordance with the present rules, who were unwilling to have the Senate proceed to serious consideration of the bill. I suggest that this condition cannot be permitted to continue next January if, as most of us on this side of the aisle hope, the Democratic candidates are successful, and it is our obligation to put through the Democratic platform, which I, and I know most of my colleagues on this side of the aisle, take very seriously indeed, and do not view with that cynicism with which the press has regarded it.

I make these preliminary comments only to lay the groundwork for comments I shall make later with respect to specific changes in the rules which I think are desirable.

Mr. SCOTT rose.

Mr. CLARK. I am about to yield the floor. Does the Senator want me to yield to him?

Mr. SCOTT. If the Senator yields the floor, I ask for recognition.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCOTT. Mr. President, I agree with my senior colleague that it is important to bring the pending bill to a vote, no matter how individual Senators may feel about it. Certainly, some form of minimum wage bill, in my opinion, ought to be enacted, and ought to be enacted as quickly as possible; and I certainly would not want to be in any way responsible for the delay in prompt action on this or many other bills.

After all, we have a considerable backlog here. We have the President's recommendations, on which the batting average at the moment is zero zero zero.

Mr. CLARK. Mr. President, will the Senator yield for a question?

Mr. SCOTT. Yes, I yield to my senior colleague.

Mr. CLARK. Is it not true that the majority leader has made several attempts to persuade the Senate to enter into a unanimous-consent agreement with respect to the pending business, and that in each instance the minority leader has said that he has instructions from a member of the Senator's party to oppose the unanimous-consent agreement?

Mr. SCOTT. Well, I am not aware whether that is a fact as to each instance. I recall on one instance the minority leader made some statement to that effect, but I am equally aware of the fact that a number of objections have come from the Senator's own side of the aisle at various times, having to do with procedural matters, which is surely in the province of each Senator to do.

Mr. CLARK. If the Senator will yield briefly again, I think the RECORD will show—and I shall not labor the point—that the official objection to a unanimous-consent agreement with respect to the Fair Labor Standards Act, however, in each instance was made by the minority leader, who stated that it was at the request of the members of the Senator's party.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SCOTT. I yield to the Senator from Arizona.

Mr. GOLDWATER. In order to clear this up, there has been one attempt by the majority leader to have a unanimous-consent agreement, and I was right back of the minority leader and would have objected. I told him earlier that if I were in the Chamber I would object. I am the culprit, but I see nothing wrong with it, because that is a part of our legislative right, I would say, and I look upon it as a duty to prolong the debate so we can discuss this question.

I might say to my friend from Pennsylvania that we spent the entire day yesterday talking about medical care for the aged, and there were only two speeches made on the subject of minimum wage, and the one I made late in the evening was made so we could have a full session lasting until 9 o'clock. I could just as well have made it today. The delay has not been occasioned by either party on either side of the aisle. This subject has bipartisan interest. There are Senators on the Democratic side opposed to the minimum wage bill just as we have Senators on the Republican side who are opposed. I think it is very worthwhile that we have engaged in this debate, because it is becoming very clear that the Kennedy bill is filled with very dangerous gimmicks. While I agree that some form of minimum wage bill will pass the Senate, I am very hopeful it will not be the bill in its present form.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. SCOTT. I will yield to my senior colleague with the understanding that I do not lose my right to the floor.

Mr. CLARK. I have no quarrel with the action taken by the Senator from Arizona. I think he was entirely within his right under the present rules. I do disagree with him that the debate has been particularly enlightening. I do not think very many people have listened to it. I seriously question whether many Senators have even bothered to read it, although I have read a good bit of it myself. The point I am making is that there is need for a rule of germaneness, and the fact that we spent a good part of yesterday discussing medical care indicates that need.

We had been advised by our friend from Florida that we were not going to be permitted to vote on the minimum wage subject yesterday, anyhow, and we might as well have talked about medical care for the aged as anything else while we were waiting for my good friend from Florida, and he knows he is my good friend, to permit the Senate to move forward.

Mr. HOLLAND. Mr. President, will the Senator yield to me?

Mr. SCOTT. I am glad to yield to the Senator from Florida.

Mr. HOLLAND. May I say, in the first place, any Senator could have asked for a unanimous consent agreement for a vote on my principal amendment, an amendment of which I happened to be the first sponsor, but in which I am joined in presenting by the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from Iowa [Mr. HICKENLOOPER], and the Senator from New Hampshire [Mr. BRIDGES]. I offered last week to have a unanimous consent agreement to vote on that amendment today—

Mr. CLARK. Is that offer still good?

Mr. HOLLAND. That is the so-called principal amendment, which covers the continuation of the exemption now in the present law of the so-called retail outlets within State lines and service establishments. No Senator seemed to take any advantage of the offer or to accept my suggestion to that effect.

Mr. CLARK. Mr. President, will the Senator from Pennsylvania permit me to ask the Senator from Florida a question?

Mr. SCOTT. I am glad to yield.

Mr. CLARK. Is the Senator's offer still good, and may I so advise the majority leader?

Mr. HOLLAND. No; the offer of the Senator from Florida is now subject to a changed situation. When the Senator from Massachusetts on Saturday morning tried to move right into an immediate third reading of the bill, without giving any chance for adequate discussion of the retail and service amendment, I offered another amendment, which I know is greatly desired by the producers of perishable agricultural commodities throughout the Nation, vegetables and fruit in particular, and it is that amendment which is now replacing, on Tuesday, on today's agenda, the principal amendment which I had offered to have come up at this date. I simply wish to have the RECORD show that I offered, so far as I was concerned—and I could not speak for the entire Senate—to try to set a time for consideration of the retail and service amendment, with a vote today. That offer did not seem to appeal either to the majority leader or to other Senators generally, because no Senator offered a unanimous-consent request in that regard.

The fact that we have another amendment pending and another unanimous-consent request for a vote today results from the impatience of the Senator from Massachusetts, who endeavored to force the bill to a third reading on Saturday morning in spite of the fact that the Senate knew my own principal talk in support of the exemption amendment had not been made. The Senate knew that the minority leader, the Senator from Illinois [Mr. DIRKSEN], had given notice he desired to make a speech upon that amendment and wished to be allotted in any consent agreement sufficient time to make his speech. The Senate knew there were other Senators, including the able Senator from Louisiana, who has since made his speech, and the able Senator from North Carolina, who has since made his speech, who wanted to be heard on the exemption amendment.

However, without consideration of the fact that we had had very little debate up to that time, and that many deeply concerned Members of the Senate had not been allowed to be heard at all, there was an impatient effort to force the bill to a third reading.

I do not know whether the distinguished Senator from Pennsylvania was on the floor at that time, but the RECORD will bear out what I am stating.

Since I had the other shorter amendment, which I felt could be debated more speedily, I offered that amendment. I had hoped we could finish consideration of that amendment yesterday, and I believe we might have if it had not been for the fact that the medicare bill seemed to claim the attention of the Senate yesterday. I simply wish to have the RECORD reflect the fact that after starting late last Wednesday, we shall have spent in debate, when the first vote comes at 4 o'clock this afternoon, less than 5 days upon this matter, which is certainly a serious matter of great concern to a great many people. Of that time one full day, practically all of yesterday, was devoted to a debate by those concerned with another important question which is among the items preferred for treatment by this extended session; that is, the medicare bill.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. I will yield to the Senator in a moment, if I am permitted to do so by the junior Senator from Pennsylvania.

I do not think anyone should become unduly impatient about the situation. We are not, in this session, confined even in the informal way we are trying to confine ourselves to any one subject matter. I can easily understand how the distinguished Senator from Oklahoma [Mr. KERR], my distinguished junior colleague [Mr. SMATHERS], the able Senator from Tennessee [Mr. GORE], and the able Senator from New Mexico [Mr. ANDERSON] would feel about the medicare question. Perhaps other Senators were engaged in the debate, but those were the four who were speaking when I happened to be in the Chamber. I can understand how they would feel that the medicare question is important enough to take up the time of the Senate. I find no fault with them whatsoever in that regard, because we have to pass legislation on that subject matter, and presumably it will be the next subject to be considered. Any debate which is put into the RECORD at this time may, and should, cut down the time required for consideration when that bill is before the Senate.

I hope my friend will not be impatient, and I hope he will rely for most of his statement on what he has admitted—he will always admit the facts—that in the days when we were permitted to do so the advocates and the opponents of the minimum wage bill have pretty well taken the time and occupied the attention of the Senate with debate which the Senator has called germane to the consideration of the bill.

I have one more point and I shall be through. We cannot make our colleagues read our statements. We cannot force our colleagues to come to the floor and hear our statements. If the Senate has a rule which would require either one of those things, if it is practical in its operation, I would certainly like to hear about it. That is the principal thing we require in the Senate, a willingness to subject ourselves—and I am not talking in any "holier than thou" attitude at all—to the arguments of others who may feel differently from the way we feel ourselves.

We have a bad habit in the Senate. We are practicing it in this debate, as I gladly admit to my friend from Pennsylvania. We have a habit of staying away when something is being said that we do not wish to hear or with which we do not agree.

If the Senator has a rule which would change that practice, I, for one, would be intensely interested in hearing it.

Mr. CLARK. Mr. President, will the Senator yield?

Mr. HOLLAND. In the meantime, I do not think anybody can say that undue time has been occupied or that there has been a loss of time from considering important matters which will come before the Senate or which have already come before the extended session of the Senate. The only exceptions to that statement which the Senator from Florida has heard have been the numerous indulgings in political matters. I think all of us realize at this particular time we must expect a good amount of that. I am not surprised to find that is the case. I would be surprised if we did not have a great deal of political discussion. We have the two presidential candidates on the floor every day. One of the vice presidential candidates is acting as majority leader, and the other vice presidential candidate is a former Member of the Senate and a member of the club. Both of the leaders of the two great parties are here every day on the floor—the Senator from Kentucky [Mr. MORTON], the leader of his great party, and the Senator from Washington [Mr. JACKSON], the leader of his great party. Numerous other Senators are participating in one way or another in this pleasant quadrennial game we like to indulge in in this country, the matter of a presidential election. I would be surprised if there were not some discussion of political matters. I would think it was a group of doctors, grocers or farmers, those people so vitally affected by our legislation, rather than Senators, if there were not a great deal of political discussion.

So in yielding to my friend, if I am permitted to do so, I wish to say, basing my opinion upon several years of observation of the way the Senate acts, I think the Senate has pretty well stuck to its job. So far as the Senator from Florida is concerned, I am glad to have one of the amendments made the subject of very limited debate for this day, for disposal by a vote at 4 o'clock, since that will be less than 5 days from the time we began discussion of the bill.

I now yield to the Senator, if the Senator from Pennsylvania will permit me to do so.

Mr. SCOTT. Mr. President, before I yield to my senior colleague, may I make another point, because I suspect that will give my senior colleague something further to say.

I note that truth, temporarily crushed to earth, has erected itself again to its full stature.

I wish to pursue the point I was making about the nonexistent batting average on performance in a minute. As a matter of fact, the promises made at Los Angeles were 258 specific promises, not one of which has been kept or even, with one exception, seriously attempted to be kept.

My purpose in arising at this time is to point out that had the majority party seriously desired to get action on a minimum wage bill it could have gotten action in the regular session. There were many who felt that way. There were many who felt that we should not adjourn but that we should recess only for the time of the conventions.

Among those who felt we might get action on this measure advocated by the junior Senator from Massachusetts was my senior colleague. He and I were agreed that action should be had. In fact my senior colleague from Pennsylvania, on the 11th of May 1960, said with reference to minimum wage legislation—I think it is also with reference to the junior Senator from Massachusetts:

> I think the Senate will pass a minimum wage increase if we can just get "Sonny Boy" back from the cricks and hollers long enough to report it out of his committee.

Since these promises were made, and since whoever is the "Sonny Boy" who has been referred to—of course, I do not offer any effort to translate, for I am sure the senior Senator from Pennsylvania will furnish us with further identification—I say, as Robert Browning said in "The Pied Piper of Hamelin," "If we've promised them aught, let us keep our promise." Robert Browning did not attend the convention at Los Angeles, but if he had, I am sure he would have felt there ought at least to be a serious attempt to keep 1 or 2 of the 258 promises made there.

I now yield to the senior Senator from Pennsylvania for reply.

Mr. CLARK. Mr. President, if the Senator will indulge me, I would prefer not to do so at this time. May I repeat the words of the majority leader that "once a national chairman, always a national chairman." I should like now to ask my friend from Florida——

Mr. SCOTT. Mr. President, I yielded to the senior Senator from Pennsylvania with the understanding that he would make further comment about "Sonny Boy" and his failure to push the measure in May because he was in the "cricks and hollers." I do not see why we did not get this bill acted upon then, as the senior Senator from Pennsylvania thought we should.

Mr. CLARK. Will the junior Senator from Pennsylvania permit me to ask a question of the Senator from Florida [Mr. HOLLAND]?

Mr. SCOTT. I shall permit the senior Senator from Pennsylvania to take any form of extrication he chooses, including yielding to the Senator from Florida.

Mr. CLARK. I have made my comment on what the junior Senator from Pennsylvania has said.

I should like to ask my friend from Florida if he is prepared at this time to advise his colleagues when he will permit his principal amendment to come to a vote?

Mr. HOLLAND. I think that question would arrogate to the Senator from Florida a great deal more influence in this matter than he possesses. He does not have the power of deciding the question.

The Senator from Florida would be happy to have the principal amendment come to a vote tomorrow or the next day, or as soon as the principal arguments in support of the amendment by Senators who have very deep convictions about it have been made. The Senator from Florida has already shown, by making two suggestions for unanimous-consent agreements, one of which has finally been agreed to, that he is not disposed to hold this subject under extreme debate. He announced in the very beginning that he did not want to be considered as in any way making himself a party to an unlimited discussion, which has sometimes been referred to by my distinguished friend as a filibuster. To the contrary, he wanted this matter to be disposed of.

Mr. CLARK. Will the Senator from Florida agree to a unanimous-consent request agreement with repect to his principal amendment at this time?

Mr. HOLLAND. No; the Senator from Florida would rather have his amendment disposed of at 4 o'clock. He hopes it will prevail. If it does not prevail, he may wish to do some work on his fences, which may thereby appear not to be as strong as he had hoped they might be. He also wishes to confer with Senators on both sides of the aisle, which shows conclusively that this is not a partisan question.

My friend the junior Senator from Pennsylvania speaks of platforms in a way that surprises me somewhat, because as a former chairman of the national committee of his great party—and I ask his pardon for forgetting that fact when I enumerated some of the reasons why I was not surprised by the intrusion of some political discussion from time to time——

Mr. SCOTT. It looks as though I will never live that down.

Mr. HOLLAND. The Senator has not evidenced in the Senate any disposition so far as I have observed to get away from his political background.

Mr. SCOTT. I am proud of my political party.

Mr. HOLLAND. I was sure he was. The point I am getting at is that I thought political platforms of great political parties were very serious matters to be submitted to the electorate and to be debated in the hustings from one corner of this country to the other. The country is becoming more and more remote. Now we shall debate issues from Alaska to Florida and from Maine to Hawaii. Then, after all the debate has transpired and all the discussion that will appeal to anybody's mind has taken place, there is a referendum in which the votes of over 60 million citizens are cast, and after that referendum has been held, then, as the Senator from Florida understands, we have an expression on platforms. But up to that time all the expressions that we have had on platforms that I know anything about have been political discussions of the type that have been taking place in the Senate from day to day. I regard them as such.

I do not hold the Senator from Pennsylvania [Mr. SCOTT] too seriously accountable for the commitments he has made here, because I know that in a sense he has his fingers crossed. I know that in the platform of my own party there are many features of which I do not approve. It is inconceivable to me, with our country as vast as it is now, that there can be anything but general declarations of principle covering all vital phases of political life, domestic and international, with which everybody in the Nation would agree 100 percent in connection with either of the platforms. So I think we must all realize that this political discussion is natural. It is to be expected. It does not mean very much. It is only a matter of blowing off steam, which the distinguished Senator from Pennsylvania and others will be blowing off on the hustings after we leave here.

Personally I hope that we will leave as quickly as possible, because this Chamber gets pretty full of the political steam that is blown off. There is likely to be an explosion. There is likely to be something that would reflect anything but credit upon the Senate.

So far as the Senator from Florida is concerned, this is the first word that might even conceivably be attributed to politics that he has uttered in the 8 days of this session, and I hope he will never have to utter another one. But he does not feel that his distinguished friend, the junior Senator from Pennsylvania, shows the erudition in the political field which would be expected of one who has had so much experience, one who has been chairman of a great political party, and who has done a very fine job in that high responsibility. He does not think the Senator should be as surprised as he appears to be that there is some political boiling over taking place from time to time on the floor of the Senate.

I thank the Senator for allowing me to make these few remarks.

Mr. SCOTT. I congratulate the Senator from Florida on his wholly virginal

approach toward public office, because I think it is indeed remarkable that he has been elected so often. I know that he has the respect and admiration of the people of his State. But I do not quite understand how one so completely free of politics, so virginal, so unvested with political interest, ever managed to reach this body.

Mr. HOLLAND. If the Senator will yield for a brief comment, the Senator from Florida tried to confine his comments with reference to his attitude to the 8 days of this session. The Senator from Florida has spoken on the hustings in his own State, and in other States, and expects to do so again in due time. But he does not think the Senate is the appropriate place for that kind of discussion. He does not recall that he has ever participated, on any earlier occasion, in a debate so nearly political as this.

Mr. SCOTT. I congratulate the Senator on his 8 days of political chastity. I now yield to the Senator from Maryland [Mr. BUTLER].

Mr. HOLLAND. If the Senator will allow me to do so, I think it would be a good thing for the country if there were more chastity in this same field.

Mr. SCOTT. I certainly agree with the Senator from Florida.

Mr. BUTLER. The Senator from Florida knows that there is no Member of the Senate for whom I have greater affection and respect than I have for him. However, when he says that it is usual, after political conventions, and after the writing of party platforms, to discuss those platforms on the hustings and then let the people act on them before Congress in special session treats with them, he is in error. If my memory serves me correctly, in 1948, when the President of the United States, Mr. Truman, called Congress back into extraordinary session, he said of our platform pledges, "If their promises as expressed in their party platform are worth 5 cents, they should enact them all in 2 weeks."

At that time, as you can well suppose, there was a great deal of discussion of what was in our platform. In Mr. Truman's view it would be highly proper that we discuss these matters now. Democratic promises should be redeemed. According to Mr. Truman, the time and place to redeem them is right here and now, if they are worth anything.

Mr. SCOTT. The Senator from Maryland is correct. Not only did President Truman address the Congress of that time, and say, "You can accomplish these promises in 2 weeks," but he somehow was able to convince the country of the same thing.

The difference today would seem to be merely a difference of the calendar. We are asked to believe that promises made in July at Los Angeles are not intended in any segment or portion thereof, not even by a jot or tittle, to be performed until January, once the elections are safely past.

We are now dealing with the calendar. It is my impression—and I feel that my party's position is very clear on it—that any promises made in July the public expects us at least to try to keep, in as great a degree as feasible, consistent with the length of the session, in August.

Therefore, we are now being told, and the country is being told, that the Democratic Party did not intend to keep any of its promises in August, but will go to the country on a record of campaign promises ignored, and will then ask for the trust of the people of this country that "if you will believe us, what we did not even try to do in August, we will undertake to do in toto in January."

This is an assumption of gullibility on the part of the American public which I reject.

We heard from the junior Senator from Ohio [Mr. YOUNG] this morning, who is apparently the unofficial timekeeper of the Senate, and who operates with a stopwatch for that purpose, and who seems, I gather from the context of his approach, to feel that presiding in the Chair of the President of the Senate is something like flagpole sitting. In other words, records ought to be made merely by the application of the body of a distinguished individual to leather, and that there is some special virtue in being a sitdown Vice President.

Perhaps the Senator from Ohio believes that because we have had a great many sitdown Vice Presidents, one of whom was chiefly famous for the remark "What this country needs is a good 5-cent cigar," we should not have any who do not care to make a reputation merely by plumping their posterior upon the pedestal of the Senate. Apparently the Senator from Ohio believes that the most important thing that a Vice President, who is the President of the Senate, can do is to sit here and do nothing. The duties of the Vice President as prescribed in the Constitution are simply these: The Vice President shall be the President of the Senate, and shall have no vote save in case of a tie. I believe the Parliamentarian will agree with me that that is a reasonably accurate quotation. First of all, the Vice President has no vote. Secondly, it does not even contemplate that the Vice President could take part in debate; nor is the Vice President required by the Constitution to do anything whatever except to be available in the event he wishes to break a tie, in which case he need only be available if he wishes to vote in the affirmative, because in a tie vote where the Vice President would normally vote in the negative, if he were a Senator, would already have been defeated, because it is a tie.

The Vice President has announced that the next Vice President, in his judgment, should have an even greater role in government; that he should not be expected to spend all his time sitting down. We are very fortunate in having as our vice presidential candidate Ambassador Lodge, who puts his country before his party in his service at the United Nations. We are equally fortunate in having a Vice President who does not operate by stop watch and does not attempt to establish sitdown records, or is interested in flag pole sitting achievements, but who is concerned about carrying out the responsibilities vested in him by the Constitution and by the Executive, who frequently presides over the National Security Council and attends Cabinet meetings, who heads Government commissions, and who makes official visits in the name of the United States and in the name of the President of the United States, and with signal success.

Such a post, it seems to me, is a good deal more dignified than merely the requirement that he sit and sit and sit, until the Senator from Ohio is so tired of seeing him sitting that he will put his stopwatch away.

Actually, as we all know, once the Vice President has left the chair and has designated another Senator to act for him temporarily, the post passes to the majority party by designation of the President pro tempore the Senator from Arizona. Therefore if the Vice President were to preside over the Senate indefinitely, hour after hour, how great would be the howls, how painful would be the screams of injustice, of tyranny, of obstruction, and interference with the orderly processes of this great deliberative body; how many on the other side of the aisle would say, indeed, "This ain't right," because, being the majority party, they expect to put Senators in the Presiding Officer's seat as the acting President pro tempore.

We all know that is a job that many of us have accepted because it is a duty, that it goes very often to the most junior Members of the Senate, and is one which we enjoy. We can have our photograph taken in front of the flag, when the Senate is not in session, and send the photograph home, in the hope that people will believe that the picture was taken while the Senate was in session. In that way we can try to make a big thing out of presiding over the Senate. However, we are not fooling anyone. The people of the country want a working Vice President, and they want an effective one.

My final thought is that I would like to know whether the junior Senator from Ohio or anyone else in the Senate feels that the next Vice President, whether he be the Ambassador to the United Nations or the majority leader, should spend all his time as a sitdown Vice President. In fact, I would like to know whether the majority leader's leader believes that, if he becomes President, the majority leader should spend all his time in the chair. Anyone who knows the majority leader knows that that would be an intolerable condition with which to confront him. No one would wish him that kind of misfortune.

I revert to the fact that the majority leader himself, on the 8th of July 1960, at Los Angeles, said:

> The Vice-Presidency is a good place for a young man who needs experience. It is a good place for a young man who needs training.

I do not think the majority leader meant it was a good place to sit and doze and wonder when the Senate will adjourn, so he can get out of the Chamber and continue to do nothing somewhere else.

Mr. McCARTHY. Mr. President, I wish to express my sympathy to the newly elected Senator from North Dakota [Mr. BURDICK], who has been the principal occupant of the chair during the week since the Senate returned from the conventions. I would not have expected the Vice President to occupy the chair during all the hours of debate in this entire session of Congress; however, I wish we might get an agreement from the Republicans that they would either have the Vice President occupy the chair or else appoint a Republican Senator to occupy the chair while the Republicans are making speeches on the floor of the Senate.

It seems to me that that is a reasonable request. Certainly it is not fair to expect that during this short session the junior Senator from North Dakota should have had to listen to so many irrelevant, boring speeches.

Mr. LAUSCHE. Mr. President, some Members of the Senate, in the closing days of our assembly about a month ago, felt that we should not again meet after the two political conventions. It was the expressed view that the meeting which we are now having ought not to be held. That view was held on the basis that inevitably politics would dominate the discussions on the floor.

Other Senators thought that politics would not be the prime consideration motivating us in our action.

To me, it was inevitable that if we returned after the conventions and before the November election, there would be no objective consideration of proposed legislation, but that the principal purpose of the session would be to lay the groundwork, fair or foul, for success in November.

Some Members of this body, at this time, either inadvertently or purposely, profess great astonishment that we are indulging in politics. If one is of the belief that politics was not to be expected, I suggest that there is lacking an intelligence which ought to reside with the high office occupied by the Members of the Senate.

In my opinion, when it was decided to have the Senate reconvene in August, it was then intended to make this meeting one, primarily, of political consideration.

It is to be expected that Senators on this side of the aisle will be charging against Senators on the other side of the aisle that politics is being played. The converse of that statement is true, namely, that Senators on the right side will be charging those on the left side with similar conduct.

In my opinion, we could have taken care of this business before the political conventions; but we decided to come back. Whether it was so stated or not, the purpose was to make the Senate a political forum. We are witnessing exactly what should have been anticipated when we decided, at the end of June, that we would return at this time. We have now been here for 1 week. We are considering some proposed legislation which has been declared to be of primary importance. Other pieces of proposed legislation are, I believe, equally important. I believe they should be considered, but they have been rather inadequately mentioned.

The Senator from Nebraska [Mr. HRUSKA] yesterday discussed a bill of that nature. I should like to repeat what I have already said on that subject. Since 1958, the Department of State has been asking for legislation to authorize the Secretary of State to exercise some control over the issuance of passports to Communists who go to Russia to make reports of what they know exists in our country respecting our military posture. Two years have passed, and we have taken no action. The prospects now are that no action will be taken in this session. The subject is considered unimportant and negligible, as it concerns the security of our country.

Francis Powers will be tried in the Soviet Union tomorrow on a charge of espionage. The world will be told that foul America indulges in the unsavory practice of spying. Yet the Senate will do nothing toward providing the State Department with the power to control the issuance of passports to avowed and known Communists who travel back and forth between the Soviet Union and the United States. That is an important piece of proposed legislation. However, it will not be considered. It will not be considered because the political profit to be made from it is not adequate.

If we are having politics at this session, that is exactly what we should have expected. I repeat my statement. Any Senator who professes innocence in this matter, who says that he did not expect politics to be the primary consideration at this session, does not possess the intelligence which ought to reside in a person who occupies what is supposed to be the high Office of Senator of the United States. It would have served our country better if we had finished our work before the holding of the political conventions; thus sparing the country the political push and pull that we are suffering.

COMPLIMENT TO SENATOR BURDICK

Mr. MANSFIELD. Mr. President, I desire to compliment and commend the present occupant of the chair, the distinguished junior Senator from North Dakota [Mr. BURDICK]. He has been in the chair, I believe, during his brief tenure in the Senate, for a greater length of time, than any of his colleagues. He has had to suffer, I think, undue and unusual punishment because of the many political speeches, from both sides of the aisle, to which he has had to listen.

It is my understanding that the Senator from North Dakota, a distinguished Senator in his own right, is also at the present time still, technically speaking, a Member of the House of Representatives from the State of North Dakota, because the House, at least until yesterday, did not have the opportunity, because of a motion made to adjourn the House, a quorum not being present, to read his resignation from that body.

Nevertheless, in view of the services performed by the distinguished Senator from North Dakota in presiding over the Senate, I believe he is entitled to the thanks of all of us. He has performed his work ably and with distinction. He has made some difficult decisions, and he has honored us with the dignity and decorum with which he has presided.

PROPOSAL FOR CHANGE IN METHOD OF ELECTING THE PRESIDENT

Mr. PROXMIRE. Mr. President, I commend the distinguished Senator from Montana [Mr. MANSFIELD], the majority whip, upon the speech he made yesterday with respect to conventions and campaigns. It was a speech which, in my opinion, needed to be made. I am delighted that the Senator from Montana, as a representative of our leadership, made it. Many of us have felt for a long time that the present method of selecting a President and a Vice President is inadequate in many ways.

A number of us in the Senate have tried to meet this problem. The Senator from Tennessee [Mr. KEFAUVER] introduced a proposed constitutional amendment which called for the holding of a national primary. So did the Senator from Florida [Mr. SMATHERS].

I have introduced a proposed constitutional amendment which calls for a national primary, too. I have talked to a number of other Senators, on both sides of the aisle, who believe we should explore, at least, the ways to amend, change, and improve our method of selecting our President.

Mr. GOLDWATER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. GOLDWATER. I am in complete agreement with the Senator from Wisconsin about the need to make a change in the electoral college system.

I do not profess to know what change should be made or in what form the new arrangement should be. But I think both of the national conventions showed, above all else, that both parties have to write their platforms to satisfy the politicians of one State or the politicians of one city in the Nation. I do not say that in a derogatory way about that State or that city. It just so happens that in the years since the Constitution was written—and the last time article II, which pertains to the electoral college, was amended was 1804—New York City and New York State have grown to have the greatest concentration of population in the Nation. So I think it is a natural result that at the conventions the politicians of both parties from the State of New York and from the city of New York are going to make their desires felt, because it is important to the candidates for election to the Presidency that they have the New York votes. I suggest that a similar development may occur with respect to California, which is fast becoming the largest State in the Union. So we are going to have to satisfy the one big State in the East and the one big State in the West.

Although most of the time these considerations work to the betterment of the country, I do not think the platforms should ever reflect the thinking of only

one section. Instead, they should reflect the thinking of the entire Nation.

So I am glad that, once again, so much interest is being manifested in this matter.

I recall that once before, I attempted to do something about it, by means of the Mundt-Goldwater bill; and I sent to the Senator from Florida a telegram in which I said I was in complete agreement with him and welcomed the effort to have something done about the present outdated system of selecting our President.

Mr. PROXMIRE. I thank the Senator from Arizona.

I understand that when the present Republican nominee for the Vice Presidency, Ambassador Lodge, was a Member of the Senate—at that time I was not a Member of this body—he was the leader in the Senate, along with Representative Gossett, of the House of Representatives, in connection with the Lodge-Gossett proposal which would have obviated the difficulty to which the Senator from Arizona has referred.

As the Senator from Arizona has pointed out, the fact that a tiny majority in New York State or in California can swing the result of a presidential election means that there is a tendency to concentrate to a very great extent on any available swing minority of the people of New York or the people of California, and perhaps relatively ignoring the broad public interest of the people in the rest of the country.

On the other hand, if the situation were such that the candidate who received the largest popular vote would be elected President—for instance, a candidate who received 51 percent of the vote, whereas his opponent had received 49 percent—I agree wholeheartedly that to have the election determined in that way would be a great improvement.

That was not the principal burden of my proposal, although I think the Senator from Arizona is correct when he says it should be considered.

I am particularly interested in the many overall defects of the present national convention system in which some States have unrepresentative primaries. Many States have no primaries. In cases in which there is no primary the people of that State are prevented from expressing their views in regard to the one whom they wish to be elected President of the United States.

I agree with the Senator that unless we take this action now, this matter will very likely be forgotten, because general interest in such matters tends to die rather quickly.

Therefore, I think the speech made by the Senator from Montana is a very important one, and I sincerely believe that the matter should be given consideration by us next January.

Mr. LONG of Louisiana. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. LONG of Louisiana. As one who voted for the Lodge-Gossett proposal when it passed the Senate some years ago, let me say that I believe the answer is to have direct election of the President, and to eliminate electors and the electoral college.

Mr. PROXMIRE. I would be enthusiastically in favor of doing that.

Mr. LONG of Louisiana. Some can find various reasons for arguing to the contrary, based upon historic usage. But the Senator from Wisconsin knows as well as I do that no matter what formula is used, unless there is direct election of the President, in any close race, so long as there is an electoral college between the people and the one they elect, it is possible for a candidate who lost the election by a million votes still to win over a candidate who received substantially more votes than he did.

The answer to the undue advantage which some minorities in some parts of the country have is to let everyone vote, and to let every vote count as one vote, and to let the candidate who receives the largest number of votes in the presidential election be elected President of the United States.

After all, that is the way the elections in all the States are handled.

The present system permits of uncommitted electors. Recently the State of Louisiana failed by only one vote to have uncommitted electors in connection with the balloting for the Democratic Party's candidate.

What would that mean? It would mean that after the people had elected the electors, the electors could vote for anyone for whom they chose to vote—for Mr. NIXON, for Mr. KENNEDY, or for anyone else, so long as he could meet the constitutional requirement in regard to being a native-born American.

Furthermore, as the Senator from Wisconsin knows, in the event that no candidate received a majority of the votes in the electoral college, the election would be thrown into the House of Representatives. In that case, each State would vote as a unit, and each State would have only one vote. That situation constitutes just the opposite extreme. In the first instance, New York is given too much weight; but if the election were thrown into the House of Representatives, New York would be treated completely unfairly, because at that time a State such as Nevada would have as much effect on the outcome of the election in the House of Representatives as would the State of New York. Nevada, with only 1 Member of the House of Representatives, would then have as much effect as would New York, which has more than 40 Members of the House of Representatives.

So the only logical answer which would seem to overcome the objections of all pressure groups, in my judgment, would be a direct popular election. I certainly hope that one of these days we shall come to it.

Perhaps the Senator's recommendation would lead us in that direction; it sounds as though it would. For that reason, I commend the Senator for the proposal he is making.

Mr. PROXMIRE. I thank the Senator from Louisiana.

I think the concept of a democratic republic, which the Founding Fathers had in mind, was reflected to some extent in the electoral college idea—in other words, that the electors would vote for the man who was best suited to be President on the basis of his knowledge and his demonstrated ability. But at least, insofar as the electoral college is concerned, it has been out of date for at least 150 years of the 171 years since the adoption of our Constitution in 1789.

In my State of Wisconsin—which I think typical—I believe the overwhelming majority of the people would like to see the present method of nominating our President improved, and promptly.

MAN SEEKS JAIL TERM TO GET NEEDED MEDICAL CARE

Mr. PROXMIRE. Mr. President, a few days ago the Milwaukee Journal published a front page story which provides a revealing insight into the desperation born of fear which is the plight of elderly citizens in need of medical care. The article describes an elderly man in Los Angeles who held up a bank in order to get himself arrested. He had warned police of his intention, explaining "I wanted to be caught." His reason was that he felt that only in the penitentiary would he be assured of adequate medical care. He has lost one eye from cancer, and has cirrhosis of the liver.

This is one more example, perhaps more dramatic than some, of the lengths to which old people are driven in search of badly needed medical care. In order to meet this repeatedly demonstrated need, it is imperative that Congress act now to provide an adequate program of old-age medical insurance.

I ask unanimous consent that the article published in the August 10 Milwaukee Journal be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MAN SEEKS MEDICAL CARE, SO HE BECOMES A ROBBER

LOS ANGELES, CALIF.—The gaunt little man shoved a gun and a note at Teller Marjorie Sances.

The note said: "No alarm. Give me your cash."

Mrs. Sances pushed over a stack of bills.

"No, not that much," he said. "Just $5."

She retrieved the stack and handed him the top bill. It was a 10.

The gunman wrote on a slip of paper: "Received $10. Dr. Scott."

Then he walked out the door of the savings and loan company into the arms of two policemen.

Gordon Elmer Scott, once a $30,000-a-year chiropractor in Beverly Hills, says he tipped off police because "I wanted to be caught."

He said he believed that the medical care he would receive in a Federal prison was his only hope for life.

He has lost one eye from cancer and says he has cirrhosis of the liver.

Monday, broke and hopeless, Scott decided to rob a bank to insure himself of medical care.

Tuesday, after being booked on suspicion of robbery, he learned that he might not get into a Federal prison after all.

The FBI has decided not to prosecute.

The case has been turned over to the city prosecutor, and Scott, a first offender, may even be placed on probation.

Even so, he will get the medical help he needs. Social workers have promised medical and psychiatric care, in or out of jail.

OIL TANKERS FOR CUBA

Mr. BUTLER. Mr. President, Cuba, Castro, and communism have become a three-headed Hydra which will require a supreme effort by this Government and this Nation to bring under control. Whatever transpires in Cuba, only 90 miles from the coast of Florida, concerns us now as a matter of national interest, and so the recent promise of the Soviets to ship crude oil to Cuba and the swift delivery of that oil in large tankers is important to every one of us.

In a recent article in the Baltimore Sun, Helen Delich Bentley, the maritime editor of the Sun and a nationally recognized and respected authority in the maritime field, analyzed in brilliant fashion the whys and wherefores of the Soviet ability to fulfill its promise of crude oil shipments so quickly.

In Mrs. Bentley's words:

Russia's first advantage is the failure of the Western nations to retain a unified front concerning trade with the Iron Curtain countries over the past decade.

The other major factor—

She continues—

and perhaps the more important at this time is the restrictions imposed on import oil by the U.S. Government.

It is an excellent article, Mr. President, filled with the accuracy and impartiality which characterizes Mrs. Bentley's reporting. I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

OIL TANKERS FOR CUBA

(By Helen Delich Bentley)

Russia's ability to ship crude oil directly to Cuba is a mainstay of the Castro (or post-Castro?) fight against American and British oil concerns. Yet Russia commands the necessary tanker tonnage for the long ocean run largely because of two practices among the Western countries which have the effect of advantaging the Soviet.

These same two factors help Russia supply India and other countries with crude oil at 5 to 15 percent below world prices, thus building up its own oil industry at the expense of free-enterprise companies all over the globe. True, India yesterday announced cancellation of oil agreements with Russia—but only after three suppliers with refineries in India had cut their price by 11 percent. In fact, worldwide price postings for crude oil are edging closer to a major break as a result of activity such as Russia is forcing in Cuba, India and like areas.

Russia's first advantage is the failure of the Western nations to retain a unified front concerning trade with the Iron Curtain countries over the past decade. Even during the Korean war, ships flying the flags of Great Britain, Norway, Denmark, Italy, and others called regularly at Red Chinese ports.

The other major factor, and perhaps the more important at this time, is the restrictions imposed on import oil by the U.S. Government. Limiting import oil to only slightly more than 1 million barrels daily, with the bulk of that from nearby Venezuela, Washington policy has forced hundreds of thousands of tons of giant supertankers "on the open market" to shop and ship anywhere that they can pick up trade.

Hungry owners have been searching for business at any price, just to keep their vessels going and hoping to be able to pay off at least the mortgage interest as it falls due. Principal payments have been lagging further behind because of the continuation of the depressed market, now entering its fourth year.

Some owners who have been drawing on their capital reserves during the past 3 years, now face bankruptcy or forced sale of their ships at prices far below the amount still due. Many already have failed. This makes the survivors still more anxious for any kind of business, including Russian business.

Knowing that approximately 6 million tons of tankers are idle throughout the world and available for charter at rockbottom prices, the Russians have been able to avoid expending great sums to build their own tankers and still are able to ship their oil all over the world at prices under those of the oil companies, which get bargains on freight rates only when they themselves are able to spot charter a ship.

Normally the oil companies have their own vessels (which must be amortized and maintained) on their hands as well as those they chartered under long-term agreements before the depressed market set in.

The import oil restrictions which are imposed by the Interior Department to protect a small, but vocal group of domestic independent oil producers are blamed for the tanker situation by the owners.

They estimate that an increase of imports by 800,000 barrels daily, or less than one-tenth of the 9 million barrels consumed in this country every day, would employ the entire 6 million tons of idle supertankers if all of the increase could come from the Persian Gulf. Even a shift in the present quota from Venezuela to the Persian Gulf area would help some because of the longer water haul. With the tankers busy filling the oil needs of the United States, there wouldn't be any left to transport Russian petroleum.

The Maritime Administration has opposed the import oil restriction program of Interior on the basis that the latter governmental branch was undermining Maritime and its efforts to build up a merchant marine under American-flag registry.

Because of the oil restrictions some of the supertankers which the U.S. Government has helped build in this country have carried nothing except grain of one sort or another—not a drop of petrol. The tanker owners would prefer their vessels being used for bulk liquids and so would the dry cargo owners whose market has been depressed further by the entrance of tankers into grain cargo hauling.

The fact that Russia was able to divert tankers to the Cuban run almost overnight is considered quite a feat in shipping circles. That accomplishment plus some other maneuvering she is doing on her cargoes to destinations other than Cuba demonstrates that her officials for all their Marxist preoccupations have become most adept in manipulating the charter market of worldwide private enterprise.

Various reports have been issued within the past 2 weeks about the effectiveness of the threat by the big oil companies, particularly the three whose refineries were seized in Cuba, to blacklist owners who charter to Russia for movement of its oil anywhere in the world. It is understood that the oil companies definitely want the impression to circulate among shipowners that their threat is very effective so that all will coldshoulder the Russians.

However, a check on the weekly ship position list published by Lloyds of London shows that a number of tankers—particularly British, Italian, and Norwegian—are in the Black Sea area. Their charters have been kept secret, as charters often are, and the work has proceeded without fanfare.

The Greek shipowners, who for the most part are trying to adhere to the plea by the U.S. Government not to make their tankers available in this trade, have pointed out again that if the British, Norwegian, and Italian tankers are free to move as they please then the Greeks are forced by naked economic necessity to follow suit.

As suggested above, one way in which the oil companies and the U.S. Government could divert these Greek tankers from Russian employment is to put the tankers to work for them.

As might be expected with an increased demand, the prices being offered for charters by the Russians are rising, but still are only high enough for an owner to break even on operating costs if he is lucky and if his tanker is already paid for. The Russians have invited charters for 1 and 2 years (unusually long on today's depressed market) at around $2.50 per ton for T–2 tankers. Small owners are chafing at the bit and are hard to restrain from signing the contracts.

Another point not emphasized or realized in lay circles is that it is difficult to reroute any ships to a completely new run on short notice. Normally it takes several weeks and sometimes months to arrange charters, particularly if the ships are to be put on a regular run such as between the Black Sea and Cuba.

To help ease this interim period, the Russians are placing as many of their own tankers as they can on the Cuban run and routing those of other countries to other areas. Further, to increase the tankers available now the Russians are actually selling their oil f.o.b. Black Sea and offering to pay the transportation costs, even though higher, if the purchasers will send in their own ships.

The Department of Interior reported last week that Russia's 1959 oil exports averaged 507,440 barrels daily. Every country in Europe—except Ireland, Spain, and Portugal—had made extensive purchases from the Iron Curtain's oil supplies. Italy led with 3 million tons.

Despite all the statements to the contrary, shipowners still believe that the depressed shipping market will provide enough tankers to the Russians for movement of their oil at a low cost anywhere in the world. Rescheduling and rearranging because of the Cuban situation will take some time, but no one believes the flow of oil from the Black Sea ever will be reduced by a lack of sufficient ships in this market. As stated above, the Lloyds Weekly Ship Movement record supports their belief already.

It was the same Lloyds report which revealed during the Korean war despite denials, that at the height of that conflict 103 freighters owned in England, Norway, Denmark, Italy, and France were under charter to Russia and her satellites and were engaged principally in transporting cargo to Red China.

During the same war the Danes were building ships for Russia.

The point made is that if Western ships were servicing the Communist bloc during the time when the United States and other United Nations troops were fighting the Reds, why wouldn't the same countries make their ships available today when only a cold war is under way and they aren't really affected?

As a matter of fact, today every country in the Western bloc is trading with Russia and her European satellites. Every nation except the United States and the Philippine Islands is trading with Red China, North Korea, and North Vietnam.

Most of this trade is subject to certain restrictions on the movement of strategic materials into the Soviet blocs, but the restricted list grows shorter every year.

The United States permits its ships to bring any cargoes available out of Russia, but only certain items can move in from this country. Again, every year the list of goods exchanged increases.

Many U.S. maritime leaders contend that this country's failure to permit trade with

Red China was injurious both to the American-flag ships and to the country's own general trade balance.

U.S. FUNDS FOR CONGO QUESTIONED

Mr. TALMADGE. Mr. President, the Washington Evening Star has today published an outstanding editorial entitled "Questions U.S. Funds for Congo," written by David Lawrence. Every Member of Congress should read it.

The Congo has been independent for only a few short days. It has very clearly demonstrated its incapacity for self-government. Its troops have mutinied. They have assaulted women, including missionaries and nuns, without protest from our Government. Yet our State Department is now requesting another $100 million for the Congo.

It is my opinion that those nations in Africa which are now gaining their independence will immediately be requesting funds from our country in the form of foreign aid, and I believe our State Department will be sympathetic to making such funds available.

The people of the United States should notify every Member of Congress that they are tired of such activity; that they are tired of giving away our funds for no useful purpose; that they are tired of subsidizing governments which are incapable to governing themselves.

Mr. President, I ask unanimous consent that the article by Mr. Lawrence may be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

QUESTIONS U.S. FUNDS FOR CONGO—STATE DEPARTMENT PROPOSAL TO CONGRESS IN FACE OF RECENT ATROCITIES CRITICIZED

(By David Lawrence)

An amazing item came over the news ticker yesterday. It read in part as follows:

"The State Department asked Congress today for an extra $100 million in foreign-aid funds to help the violence-torn Congo and possibly other new African nations."

Not many days ago the troops of the Congo Government which is to be given American taxpayers' money committed one of the worst atrocities in human history—brutal attacks on white residents, with wholesale beatings of the men, mistreatment of the children, and rape of the women, including at least two American missionaries.

Yet, the Prime Minister of the Congo Government has called it all a lie, and not a word of regret or apology has come from the very Government whose troops were guilty of the atrocities—and whose same troops now would be supported with money furnished by the taxpayers of America.

The U.S. Ambassador in Leopoldville reported the facts at the time, and a commission of inquiry created on July 16 by the Belgian Government has just issued a preliminary report that documents case after case. The commission is composed entirely of high judges of Belgian courts and is not under control of the Government. Its report deals only with cases "among those which the commission can retain as established and proved as of now," but presents what it calls "often painful details" of the rapings of well over 100 women, including a number of nuns, most of whom were savagely assaulted—not once, but over and over again. The commission points out that the press has reported that 291 Belgian women have testified to such treatment.

No word of public condemnation, however, has come from the Department of State addressed to the Congo Government itself or to the press, expressing American disapproval of what has happened. Not so many months ago the same Department of State, however, was quick to interfere in the internal affairs of the Government of the Union of South Africa by issuing a statement condemning outnumbered police because they fired at a mob of several thousands that threatened them.

Surely, this is a precedent for public expression now about the horrors in the Congo, though there are plenty of precedents in international law, anyway, which say a government may at any time express opinions and take action when the lives and property of its citizens have been impaired.

The United Nations, itself, is subject to severe criticism for having failed to recognize the right of the Belgian troops to remain in the Congo to protect the lives and property of Belgian subjects and to secure redress for grievances suffered by them. Since the United Nations has taken over instead, then it is the duty of that organization, morally at least, to obtain redress. Yet, so far as anyone knows, the U.N. Secretary General has done nothing to require the Congo Government to administer punishment to those troops guilty of rape. So far as the U.N. is concerned, the atrocities have been ignored—as if they had not occurred.

It may be wondered what possible good can be served by giving money to an irresponsible government which has not yet shown its capacity to honor its obligations to all foreign residents. The State Department insists that the extra $100 million is needed "to restore some of the fundamental conditions that will permit a more normal life to be resumed." But how can a capacity to govern be suddenly acquired by a people hardly emerged from savagery? How can there be any respect for the lives and properties of foreigners in the future if the United States now overlooks the misdeeds of the Congo Government and turns around and gives it money?

But American taxpayers who are expected to foot the bill can still have recourse to their own Congress and insist that not a penny be appropriated to the new Congo Government until satisfactory action has been taken not only to punish the wrongdoers but to safeguard foreigners against similar attacks in the future.

The argument will be made that, if the United States doesn't help with money now, the Soviet Union will. But the truth is that the Communists have their agents in the Congo already and have played no small part in egging on the terrorists so as to create more and more complex problems for the countries of the West. Unless the Congo Government is willing to exterminate the Communist intriguers and stop trying to blackmail the West by attempting to play off Moscow against Washington, there is little justification for pouring American taxpayers' money down the drain in the Congo.

Certainly the civil rights of the white women in the Congo would seem to be as important as any other civil rights which motivate so many political demonstrations nowadays in this country.

FREEDOM OF INFORMATION

Mr. WILEY. Mr. President, it is one of the basic principles of democratic government that the operations of the government machinery must be carried out in the open and must be subject to public scrutiny and judgment. If the citizens are to take an interest and a part in the business of government, they must have the necessary information to form responsible opinions. How else can the concept of popular and democratic government be carried out?

On the other hand, there is indeed, in many instances, the justifiable need to curb the free flow of information to the public because of important public considerations:

First. Certain Government information must be kept secret in the interest of national security.

Second. Quite often the giving out of certain information to the public may be adverse to the right of privacy and the interests of the people involved.

Third. At times the Government may be lacking the personnel and facilities to allow all those that desire to examine the public records free access to them.

Thus, while there is sufficient justification for limiting the public's access to specially enumerated records, it is also apparent that general secrecy in Government is one of the first indications that the machinery is not operating properly. Secrecy allows the intentioned cover-up of information that should reach the public. It permits exploitation of the public trust and of public property. It permits corruption. There is no better guarantee for clean and honest government than constant scrutiny by the public eye.

In the Ottoman Empire under the Sultans all government information was considered secret and classified. In order to obtain any information one had to bribe some high, or low, government official. But history has shown that government operating in this fashion cannot survive. If we want a Government by the people, we must keep the people advised as to what is taking place. A politically active public can exist only if we have a well-informed public.

In the past few years, there has been a constant struggle on behalf of the American press against unjustified secrecy existing in both State and Federal agencies. In this struggle no one has been questioning the right of the policymaker to the privacy of his decision. Most of the struggle was directed against secrecy in the lower and administrative echelons of Government. The struggle, likewise, in no way was intended to challenge the President in his exercise of the "Executive privilege" in matters of White House policy. The struggle was directed primarily against the claim of "Executive privilege" in areas which should be properly opened to public examination.

Several States have in recent years, passed new laws guaranteeing "freedom of information." There is now much clamor for similar legislation on the Federal level. The Senate Judiciary Committee has before it S. 2780, as reported by the Constitutional Rights Subcommittee. It is the purpose of this bill to clarify the law on the question of secrecy in Government. I believe the Judiciary Committee should give this bill its careful scrutiny and prompt attention. I believe that the public is entitled to a clarification of the laws dealing with freedom of information. Yet, at the same time, we must be certain that in considering new laws we do not invade our citizens' traditional right to

privacy and do not make available to our enemies that information which must be kept secret in the public interest.

A few days ago I received a letter from the Milwaukee Journal endorsing S. 2780. I should like to have the views of Mr. Wallace Lomoe, executive editor of the Milwaukee Journal, included at this point of my remarks.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE MILWAUKEE JOURNAL,
July 22, 1960.

The Honorable Senator ALEXANDER WILEY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR WILEY: As you know, the Milwaukee Journal long has championed all measures which would help eliminate secrecy in government, be it at local, State or Federal levels. We have given time and space to reporting on "The People's Right To Know" and we have editorially supported that right. The fight for freedom of information, to make the people's business really their business (except where secrecy is vital to national security) is a never ending one; new barriers seem to appear as old ones are ripped down.

For these reasons, we are vitally interested in the prospects of bill S. 2780, introduced by Senator HENNINGS, when it comes before you as a member of the Senate Judiciary Committee. Our interest, I assure you, is not selfish. It is for the rights of all so that our form of government can function at its best through a fully informed citizenry.

I think we can rightly say that the Milwaukee Journal has a record of expressing its beliefs in its editorial columns. In this instance, in addition, Irwin Maier, our executive vice president and publisher, and I deem it proper, so that you would not interpret silence as indifference, to let you know personally that we of Journal management believe bill S. 2780 should be given full support. Also, Mr. Maier, in his capacity as an officer of the American Newspaper Publishers Association, and I, as an officer of the American Society of Newspaper Editors, support the hopes of our respective organizations on this proposed measure.

Respectfully,

WALLACE LOMOE,
Vice President and Executive Editor.

ATTENDANCE OF THE VICE PRESIDENT

Mr. HUMPHREY. Mr. President, a short time ago there was colloquy here on the floor between the distinguished Senator from Pennsylvania [Mr. SCOTT] and some of our colleagues on this side of the aisle in regard to the physical presence of the Vice President of the United States as the Presiding Officer of the Senate.

First, let me say that I am not at all upset by the fact that the Vice President is not here. I prefer to look upon the happy and enlightened countenance of the fine and able Senator from North Dakota [Mr. BURDICK], who is the newest addition to the Democratic majority. This is exceedingly pleasing to all of us who long have dreamed of and planned for a better life and a better and brighter future, which of course is the spirit of the Democratic Party. I know that one of my colleagues on this side of the aisle has been keeping a "close watch", in both a symbolic sense as well as a physical sense, upon the presence of the Vice President of the United States as Presiding Officer. I think it is fair to say we do not expect the Vice President to be here all the time. I do feel, however, when we debate minimum wages, it might be interesting to find out what the wage was, by the hour, of active participation in presiding over the Senate by the Vice President; but even that may be without any relevancy to the argument. The important thing to me is that the Vice President has been here too much. Frankly, I was not for him being here at all. He has been here a little over 7½ years too much, and it looks as if he is going to be here 8 years too much. [Laughter.]

Mr. KUCHEL. Mr. President, will my able friend yield for one comment?

Mr. HUMPHREY. I could not resist. [Laughter.]

Mr. KUCHEL. I do not have a better friend here than the Senator from Minnesota. He is an eloquent and forceful spokesman for the distinguished political party to which he belongs, and he is entitled to his opinion. It is an opinion, however, that has not been shared by a majority of our fellow citizens on two occasions.

Mr. HUMPHREY. The Senator from California, who is one of my closest friends, and a gentleman for whom I have great admiration and affection, has stated what is an obvious political fact; but I might say I have some doubt as to whether the people voted for the Vice President. It seems to me they voted for a general. There was a free ride—I want that quite clear——

Mr. KUCHEL. I do not think it is quite clear, in my opinion.

Mr. HUMPHREY. Well, as the Senator has said, most respectfully, he is entitled to his opinion, and I thank the Senator.

But the point I want to get to my colleagues in the Senate is the fact, not, may I say to my esteemed friend from Ohio [Mr. YOUNG], who has the stopwatch, so to speak, under the Vice President that the Vice President has been here too little—he has been here too much.

Listen to the record of the tiebreaking votes the Vice President has cast, which reveal the fact not only of physical presence, on occasion, but also of the philosophical presence of the Vice President.

I notice, for example, that since he became Vice President in January 1953, Mr. NIXON has cast eight tiebreaking votes in the Senate.

He voted twice to take up a controversial conference report on extension of economic controls in the Defense Production Act.

That was not in the public interest, but he did vote, and I think we ought to give him credit for being present.

Second, he voted to eliminate 90-percent price supports for millable wheat on March 9, 1956. Of course, this is the same Vice President who supported President Eisenhower, who promised every farmer in America not only 90-percent supports, and not only for wheat, but, may I say to my good friend from North Dakota [Mr. BURDICK], who is presiding, for all storable agricultural commodities.

So the Vice President was present once too often for the good of the farmers, particularly the wheat farmers, Mr. Presiding Officer. He voted to break the tie in this body for a proposal which would have provided 90-percent price supports for millable wheat, despite the pledges of his party.

I wish he had been absent. I want to say to my friend from Ohio [Mr. YOUNG], put that watch away. [Laughter.]

Here is another one. He voted to amend the 1956 highway act to provide that State highway departments, rather than the Secretary of Labor, determine locally prevailing wages to be paid workers employed on construction of the Interstate Highway System.

The Vice President of the United States voted against the workingman. He voted for lower pay. He voted for lower standards. I think he was present once too often then.

Mr. President, you know, they had a slogan during the war, "Is this trip really necessary?" I think we might ask the Vice President, "Was that vote really necessary?" He was here once too often again.

Then the Vice President voted to block reconsideration of increasing the interest rate on Veterans' Administration GI housing loans from 4.5 to 4.75 percent.

In other words, the Vice President of the United States voted to increase interest rates on GI loans.

My dear friend from Ohio, do not hold this man here. [Laughter.]

That vote cost every veteran's family in America a good deal of money.

I do not mind that we pay the salary of the Vice President, but giving him these fringe benefits is beyond what I think is fair play. [Laughter.]

Then the Vice President voted to block reconsideration of the amendment of the Senator from Arkansas [Mr. MCCLELLAN], the amendment known as the bill of rights amendment to the 1959 labor law.

There is a difference of opinion as to who was right, but the Vice President of the United States wants to pose as a great friend of the laboring people. They do not look at this act as a friendly one.

The Vice President voted to block reconsideration of a proposal to authorize increased aid for school construction and teachers' salaries.

The other day a handful of scholars came out for the Vice President. They will be the last we have if we follow the Vice President's philosophy on education. He voted against more school construction. He voted against aid for teachers' salaries.

I say, with all respect and affection to my friend from Ohio, do not keep this man here. We may have another bill like that up for consideration. I think we ought to sign a pledge here to let the Vice President run loose. Let him start his campaign. [Laughter.]

Then the Vice President voted to block reconsideration of the amendment of the Senator from Louisiana [Mr. ELLENDER] to the 1960 Mutual Security Act, limiting the President's use of his contingency fund.

There was a desire on the part of Congress to put some guidelines on how the

President could use the contingency fund, which was an act of economy and for responsible legislation; but the Vice President saw it differently.

I have in my hand a list, as contained in the Congressional Quarterly, of when the Vice President did not vote. I say this list of when he did not vote proves my point. This list of when he did not vote shows he should have been absent more. I think he ought to be able to come in and open the session, and we can have the invocation. After that, I suggest every Member on this side of the aisle assure Mr. NIXON that he is free to go, free to be gone, and thereby we will continue the affairs of government here. We have a splendid President pro tempore of the Senate, who, if he serves as Presiding Officer, in case there is a tie vote, will cast his vote in the interest of the public.

Mr. LONG of Louisiana. Mr. President, will the Senator yield?

Mr. HUMPHREY. I am happy to yield to my friend from Louisiana.

Mr. LONG of Louisiana. The Senator from Louisiana very well remembers one of these amendments, because he offered the amendment, when we were fortunate enough to have the Vice President away. That was an amendment to increase public assistance for the needy aged and orphan children and others who might be classified as needy.

The Senator will recall that the State of California, once represented so ably by the distinguished Vice President when he was a Representative from that State, would have been the principal beneficiary, which would have resulted in an automatic 50 percent increase in welfare checks for all the aged people in California, and would have assured every State at least of an automatic $5 increase if they merely continued with the amount they were paying. That proposal was lost on a tie vote. The Senator will recall that.

Mr. HUMPHREY. The Senator is correct.

Mr. LONG of Louisiana. We were fortunate that the Vice President was not here, because indications are he would have voted against that proposal. If such a proposal is to be defeated, it is better to be defeated by a tie vote than to be defeated by one vote to spare.

Mr. HUMPHREY. The Senator from Louisiana has indicated again there are times when it is important that a person not be physically present.

I simply thought we ought to set the record straight, because I notice our friends on the other side of the aisle have a certain amount of concern over the time-keeping attributes and desires of one of our distinguished colleagues on this side. It seems to me that everyone is entitled to his own opinion. There are those who think the Vice President ought to be present. I am not among those. There are those of us who think it is better when he is away. I join that happy group.

Mr. President, I am going to dedicate what little talent I have, and what little energy I have—I have some energy—to seeing to it that he is far, far away—at Whittier, Calif.—after January 1961.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Florida.

Mr. KUCHEL. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CLARK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNDUE ALLOWANCES FOR EXPENSE ACCOUNTS

Mr. CLARK. Mr. President, Senators will recall that earlier in the session before the recess the Senate had occasion to debate at some length an amendment offered by me to a Finance Committee bill which dealt with what I call the swindle sheet racket, or the undue allowances for expense accounts which were cheating the Treasury out of many, many millions of dollars each year.

I have before me an article which appeared in Dun's Review and Modern Industry. It is one of a series entitled "The Folklore of Management," and its title is "The Myth of the Magic Expense Account." The author is Mr. Clarence B. Randall, president of one of our great steel companies, a renowned and reasonably conservative industrialist.

The format of the article indicates on the front page the following:

Has expense-account entertaining gone beyond the limits of propriety and good sense? A leading elder statesman of American business thinks so—and warns U.S. industry of the consequences of unbridled spending on the customer. One possibility: a severe congressional crackdown.

I ask unanimous consent that Mr. Randall's article be printed in the RECORD at this point in my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE FOLKLORE OF MANAGEMENT—THE MYTH OF THE MAGIC EXPENSE ACCOUNT

(By Clarence B. Randall)

Has expense-account entertaining gone beyond the limits of propriety and good sense? A leading elder statesman of American business thinks so—and warns U.S. industry of the consequences of unbridled spending on the customer. One possibility: a severe congressional crackdown.

When a Japanese businessman is ready to close a big deal, he would not think of doing it in his office. Instead, the seller takes the buyer out to dinner. While the sukiyaki simmers slowly toward fragrant perfection over the charcoal brazier in the corner of the quaint little room, they curl their legs comfortably beneath them under the low table. Quietly, they begin to talk. First they inquire solicitously for the welfare of their respective families. Then, cautiously they approach the subject which is uppermost in their minds. Unobtrusively a geisha fills and refills their fragile cups with warm sake, and from time to time croons a soft oriental melody to the accompaniment of her samisen. Hours later they sign.

I doubt if Rudyard Kipling had observed this ceremony when he said that east is east, and west is west, and that never the twain should meet. I see little difference in principle between what goes on in Tokyo and what goes on in various nightspots and resort hotels in the United States when the big expense-account money gets flowing. True, the samisen has not yet been widely employed in plush American restaurants, but there are those in our business community who seem to agree fully with their Japanese colleagues that the uninhibited use of high-priced food and liquor will move merchandise.

Certain it is that entertaining by business in this country is now itself big business. Some companies are more widely known for their parties than they are for their products. The occasions for business entertainment range all the way from two for lunch in the executive dining room to several thousand in the ballroom of the big hotel, with name bands and orchids flown in from Hawaii for the ladies.

Gone are the days when a salesman occasionally wined and dined his favorite customer, or perhaps gave a small theater party. Nowadays, when the deal gets big enough, the company yacht weighs anchor and moves into position, the company plane takes off for a duck blind in Arkansas, or the best hotel in Miami throws open its doors to expectant dealers for a week of continuous circus.

The distaff side is cut in, too, on both sides of the deal. How the ladies love it. With jet travel what it is, those who were getting a little tired of White Sulphur may now hope to look in on Capri or the Riviera.

The unseen partner in all this largess, of course, the man who rides the afterdeck of the company yacht, copilots the duck hunters' plane, sits by while the caviar is spooned out and the crepes suzette are sizzling, the man who splits the check at the night spot and hands the big bill to the headwaiter, is none other than Uncle Sam. Lights would go dim along the Strip in Las Vegas and chorus girls would be unemployed from New York to Los Angeles if it were not for that great modern invention, the tax deduction.

But who are the silent underwriters of this frenetic spending? You and I, the general taxpayers. It is we who make up to the U.S. Treasury the revenue lost through expense-account deductions.

This orgiastic abuse of the expense account is by no means universal, or even in a broad sense characteristic of our business community today. It is, however, a spectacular and alarming trend, participated in by enough companies and individuals to put all of us upon caution for the good reputation of businessmen as a class.

So far, expense-account entertainment is held somewhat in check by two factors.

First of all, the best companies—those who value the good opinion of thoughtful people—reject it. They behave with dignity and self-restraint in relationships with their customers.

Secondly—and this is altogether discreditable—in some of those companies that practice excesses, the president himself has no part in it. He lives correctly in his suburb, stays out of the hot spots. He just passes the word to the general auditor not to bear down. Expense accounts from the operating department get tough treatment—but not those from the sales end of the business. And the dirty work is delegated to the younger men. They catch on fast. They know that the boss prefers not to be told all that goes on.

Just over the horizon a third limitation is coming somewhat hazily into view. It may actually mark the cut-off of all this excess, if the spenders are smart enough to notice it, which I doubt.

That third limitation is rising public indignation. An ordinary fellow—say, an executive from a public utility where every

penny is scrubbed before it is spent—takes his wife out to dinner for the one big evening of the year. He finds at the next table a neighbor who has just ordered his third bottle of champagne, although he is known to be two payments behind on his car. And the ordinary, decent citizen doesn't like what he sees. He cannot deduct his wife's dinner from his personal income tax as an expense, and he resents watching someone else live it up for free. So, when they hear about it second hand from waiters and hat-check girls, do teachers and policemen and others who have just had a pay raise denied. So do I. And so does anyone else who understands and values the free enterprise system.

This may be the next spectacular issue for the politicians if the present ominous grumbling grows into a ground swell. An attack on business is surefire in many congressional districts. Nothing goes over better than to expose special privilege which is not available to the ordinary citizen. All that Congress has to do is to move in and pass a bill limiting the right to deduct entertaining as a business expense, and it will be finished. They narrowly missed doing just that in the current session.

When that time comes, the innocent will suffer with the guilty, as they always do, and legitimate promotional and development effort will be restricted or made more costly.

It is disturbing that business does not put its own house in order while there is still time, that it does not speak out boldly against expense-account abuses. The whole purpose of a trade association, or of any nationwide industrial organization, is to provide a collective voice on matters of mutual concern. The trouble is that we use that voice steadily against others, but seldom turn it inward toward ourselves. We are trigger-happy with criticism of Government, but reluctant when it comes to self-criticism. We are quick to point out the excess of labor—and rightly so—but if we were equally ready to point out our own, they might more speedily be corrected.

That individual business leaders do not publicly denounce such abuses more often, even when they do not practice them themselves, is not surprising, though still regrettable. "Judge not that ye be not judged" applies. Each one of us feels a certain inhibition against appointing himself a critic of others' conduct. Yet this qualm disappears when it is a collective judgment made in concert with colleagues through a national organization. If such bold leadership for the correction of excesses cannot thus be achieved, free enterprise has an extremely vulnerable Achilles heel. If we cannot correct these things ourselves, we can hardly protest if Government steps in to do it for us.

But beyond these moral overtones, and the damage currently being done to the good name of business in the eyes of the general public, comes a practical question. Do these practices, in fact, pay off? There would seem to be serious reason to doubt whether lavish display and heavy-handed entertaining are really worth the cost, whether in the long run they actually sell the merchandise.

Those who indulge in such methods are notoriously poor judges of people. They seem to think that God made all men in their image. The salesman who resorts to the nightclub approach is usually a man who likes nightclubs. It never occurs to him that the man on the other side of the transaction might just possibly prefer to stay home, have a quiet evening with his family, and go to bed early.

Or take racetracks. Oddly enough, there are some people who would rather potter around with roses in a garden than go out and bet on the horses. Quite often they are the very ones who get asked to go to the derby in a private car.

In the earlier days of the automotive industry, the favorite technique was for a salesman to go to Detroit, organize an all-night poker game, and lose heavily to the chief purchasing agent. This approach lost sight of the fact that there are strange characters who would rather read a book in front of a fire than play deuces wild and absorb bourbon until dawn.

What a man does with his time after hours is purely personal, and more often than not it is sharply divorced from his business. Selling that forgets this is not shrewd.

In other words, on the law of chances, there are probably as many men who will be offended, even insulted, by overexpenditure to win their favors as there are those who will be impressed.

Sometimes the use of entertainment and gifts reaches the point where it crosses the line of proper customer relationships altogether and becomes commercial bribery. A set of golf clubs at Christmas to the third assistant purchasing agent or a carton of cigarettes with a $100 bill tucked inside is completely venal. Business purchased by such means has too precarious a base to be enduring. Yet, strangely enough, some companies that would fire instantly any employee who accepted such gifts from others, nevertheless, permit their own salesmen to make them. Surely maintaining such a dual standard is less than honest.

The really fine salesman never mistakes his mission. For example, he never yields to the temptation of selling himself instead of his merchandise. He has but one thing to offer, and that is the product of his company. He submerges his own personality in the composite structure of the company team so that there will be no break in continuity should circumstances cause him to be replaced.

His highest function is to determine with precision the customers' needs, even when they are not clearly understood by the buyer—as they often are not—and to make sure that his company can serve those requirements adequately. His knowledge of wines and his skill at cards are better employed when made available to his friends than when they are substituted for knowledge of his own business and that of the customer.

In the long run, the product must sell itself. It takes on no added value from exposure to neon lights, nor is it likely that its special virtues can be explained more clearly at 2 in the morning than at 2 in the afternoon. If it is insufficient in quality or uncertain in delivery, no amount of entertaining can long conceal those basic deficiencies. You can cover up a crack in the wall temporarily with whitewash, but the defect will keep coming back indefinitely until the wall is repaired.

The only relationship between seller and buyer that will endure through the years is one which rests solidly upon mutual satisfaction and understanding. No such lasting commercial partnership can be purchased with champagne. Nor can it be induced by a shallow effusion of insincere friendship from a showoff who has been given a fat expense account. Purchasers who bear substantial responsibility are intelligent and serious-minded executives. They want to deal with selling officers who are also intelligent and thoughtful, and who behave in a responsible manner. They have little respect for playboys.

Objective students of the current business scene must view this phenomenon of the reckless use of expense-account money with considerable dismay. They would be hard to convince that extravagant parties make a significant contribution to the Nation. Party or no party, the commodity to be sold remains the same, having no greater utility for the buyer afterward than before, and no greater profit potential for the seller. To say these things, however, is something of a waste of breath—for those on the lunatic fringe of industry who commit the excesses are not given to taking serious thought for the welfare of the economy or for the preservation of the private enterprise system in the midst of the great world struggle in which we are engaged.

They seldom pause to speculate on what image of the American free economy their conduct creates in the minds of men from the new countries who come to study our way of life. From Pakistan to Nigeria, from Ecuador to Indonesia, the battle is on between socialism and free enterprise. Which will be the basis for developing untapped industrial strength? We are the models upon whom men who wish to preserve private initiative in their economies base their hopes.

We cannot be too careful in what we teach them. They imitate the bad as readily as they do the good, and they may easily attribute our success to the wrong causes.

Selling is a high test of character, perhaps more so than production itself. Much of it takes place away from the watchful eye of prudent supervision. The individual is on his own, and his conduct will rise no higher than his own capacity to do right because it is right, when no one in authority is at hand to check him. Those who select and train him must have this in mind. They must not be deceived by suave manners and a ready gift of speech.

Above all, the right tone must be set at the top.

Mr. CLARK. Mr. President, I hope that as Senators glance over this article they will come to the conclusion that an anti-swindle-sheet amendment is one of the most important bits of unfinished business for us to consider next January if we intend to stop tax chiseling and also to assure a balanced budget.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. KUCHEL. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

FLORIDA PHOSPHATE

Mr. HOLLAND. Mr. President, phosphate is one of the essential elements for continued life on this planet, both vegetable life and animal life, including, of course, human life.

The State of Florida, which I have the honor to represent, in part, is a large producer of phosphate and is making, I think, a great contribution to our country and to the world in such production.

An excellent article entitled "Japan Best Customer for Florida Phosphate," was published in the Lakeland Ledger of August 11, 1960. The article relates to phosphate which is exported from Florida to other nations in the free world, and upon which those nations rely, at least in part.

I ask unanimous consent that the article be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Lakeland (Fla.) Ledger, Aug. 11, 1960]

JAPAN BEST CUSTOMER FOR FLORIDA PHOSPHATE

Japan, with limited acreage on which to raise the food it needs to feed its dense population, once again in 1959 was the Florida phosphate industry's best foreign customer.

In fact, Florida continued to be the only U.S. source of phosphate rock purchased by Japan for use as fertilizer. Florida producers shipped a recordbreaking 1,259,258 tons of phosphate rock to Japan last year, for which the Japanese paid almost $8,500,000.

This Japanese volume was 40 percent of all the Florida phosphate exported in rock form last year, keeping Japan far in front as the biggest foreign purchaser of this product, according to the Florida Phosphate Council.

West Germany was the second biggest purchaser of Florida phosphate rock, with a total of more than 350,000 tons last year. Canada was next with 315,000 tons. Other important customers included the United Kingdom, 225,000 tons; the Netherlands, 223,000 tons; Spain, 129,000 tons; Italy, 230,000 tons.

Sometimes phosphate rock is ground to proper fineness for direct application to the soil, but usually it is treated with acid to make superphosphate or triple superphosphate. These more concentrated products are combined with nitrogen, potash, and other elements to make a complete plant food.

"The 1959 purchases by Japan were 132,500 tons greater and brought almost $950,000 more than in 1958," the council said, "based on the value alongside ship at Tampa, Boca Grande, or other port."

Figures released by the U.S. Department of Commerce show exports of Florida phosphate in rock form last year to all foreign countries totaled 3,147,978 tons, valued at $22,851,414. This does not include exports of superphosphate or triple superphosphate, the council emphasized, on which Government figures for Florida alone are not released.

Japan did not buy any superphosphate or triple superphosphate from the United States, the council said, confining its purchases to phosphate in rock form and doing its own processing into the more concentrated forms of plant food.

Florida again enjoyed the lion's share of the total U.S. phosphate rock export business, the council pointed out.

"Exports of phosphate rock from U.S. mines outside Florida totaled only 480,511 tons in 1959," the council said, "valued at $5,730,376. This is only about a sixth of the tonnage and a fourth of the value of Florida's shipments overseas."

Florida's phosphate rock exports in 1958 totaled just under 2,700,000 tons, the council said, valued at almost $20 million, a record in both respects until broken by last year's operations.

Exports accounted for nearly 25 percent of Florida's phosphate rock in 1959, the council said.

"With such a substantial part of its production being sold overseas," the council pointed out, "holding these foreign markets is of prime importance for continued operation of the Florida industry at its present level."

FAIR LABOR STANDARDS AMENDMENTS OF 1960

The Senate resumed the consideration of the bill (S. 3758) to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage of employees of large enterprises engaged in retail trade or service and of other employers engaged in activities affecting commerce, to increase the minimum wage under the act to $1.25 an hour, and for other purposes.

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from California will state it.

Mr. KUCHEL. Do I correctly understand that at 2 o'clock the Senate will be operating under controlled time for the consideration of the amendment offered by the distinguished Senator from Florida, and of such amendments as have also been submitted by the distinguished Senator from Kentucky?

The PRESIDING OFFICER (Mr. PROXMIRE in the chair). At 2 o'clock the Senate will be operating under controlled time on the amendment offered by the Senator from Florida [Mr. HOLLAND], and such amendments as may be offered to that amendment.

Mr. KUCHEL. By any Member of the Senate?

The PRESIDING OFFICER. That is correct.

Mr. KUCHEL. Mr. President, it is a very few minutes before 2 o'clock. Is there objection to the distinguished Senator from Florida proceeding with his opening comments?

The PRESIDING OFFICER. There is no objection whatsoever. The Senator from Florida may proceed at will. The controlled time will not start to run until 2 o'clock.

Mr. KUCHEL. Do I correctly understand that the 2 hours are equally divided, 1 hour to be under the responsibility and control of the Senator from Florida, and the other hour by the majority leader?

The PRESIDING OFFICER. The Senator is correct.

Mr. KUCHEL. Mr. President, I invite the attention of the Senator from Florida to the clock. It is now 6 minutes before 2. If the Senator from Florida has no objection, I hope he will consider commencing his comments.

Mr. HOLLAND. I shall be glad to begin.

Mr. President, I ask that the 6 minutes between now and 2 o'clock be added to the time which is limited, and be equally divided between the proponents and the opponents, so as to provide 1 hour and 3 minutes on each side.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. HOLLAND. Mr. President, I ask that my substitute amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 24, between lines 5 and 6, it is proposed to insert the following:

SEC. 11. Except as may otherwise be expressly provided by law, the Secretary of Labor shall have no power to regulate, either through the withholding of benefits or services or otherwise, the wages or hours of employment of employees employed in agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938).

On page 24, line 7, strike out "SEC. 11" and insert "SEC. 12".

Mr. HOLLAND. Mr. President, the substitute amendment is identical in its coverage with the original amendment, except that it is confined to the field of agricultural employment, so that there may be no misunderstanding on the part of any Senator taking part in the debate, or otherwise, that the effect of the amendment is confined to agricultural labor. It is confined to any agricultural labor which may be supplied to any farmer in the United States. I refer to "farmer" in the sense of including horticulturists and those engaged in all the other branches of agriculture who request the rendition of service by the U.S. Employment Service, which exists under the Wagner-Peyser Act; and, under such act, serves to supplement the employment service of the various States, and as an agency which serves them all, and, through them, the people who may require such service.

The occasion for the amendment is that a little more than a year ago the Secretary of Labor advised the agriculturists of the Nation, and the Department of Agriculture, as well, that he proposed to place some limitations upon the service which he rendered, and was required to render, under the terms of the Wagner-Peyser Act. The limitations which he proposed would be applicable only to the furnishing of agricultural labor, and would be applied in such a way as would have required the various States which were trying to avail themselves of the services of the Federal Employment Service to give certain assurance in advance about the pay scale for the agricultural labor which would be furnished, the housing conditions, and other conditions of employment mentioned in the proposed order of the Secretary of Labor.

The announcement occasioned great surprise to many of us, because we had always felt that the Wagner-Peyser Act gave no authority whatever for the making of any regulations or rules by the Secretary of Labor in this field, but, instead, made of the Federal Employment Service an agency, purely and simply, through which the State employment services and the people asking for help from the State employment services might secure aid in finding workers beyond the limits of their States. I think it is appropriate, therefore, to consider in some detail the provisions of the Wagner-Peyser Act and the facts concerning them.

In 1933, the Congress approved the Wagner-Peyser Act, which provided a grant-in-aid program for the creation of State employment services and created a Federal agency to coordinate their programs. Language pertinent to the question to be developed in this portion of this report was contained in sections 3 and 12 as follows:

SEC. 3. It shall be the province and duty of the Bureau to promote and develop a national system of employment offices * * * to assist in establishing and maintaining systems of public employment offices in the several States. The Bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems

peculiar to their localities, promoting uniformity in their administrative and statistical procedures, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

SEC. 12. The Secretary of Labor is authorized to make such rules and regulations as may be necessary to carry out the provisions of sections * * * of this title.

Mr. President, in reading section 3, in which the functions of this Bureau are stated, I believe it is rather clear that no power at all was given by that section to provide rules that would determine the amount of wages, the housing conditions, or any other conditions which must be met before the facilities of the Federal employment agency could be used. That had caused many of us, including myself, to think, and we still think, that the Secretary of Labor is entirely without power to do what he is proposing to do under the now pending regulation which imposes conditions in this field upon the rendition of service to States and to persons within those States seeking the aid of the employment service in obtaining agricultural work.

This language has been interpreted by the Department of Labor to authorize the Department to require farmers who use the services of State or Federal employment agencies for the recruitment of migratory agricultural workers to comply with standards relating to wages, housing, the prepayment of transportation, and other factors as may be determined to be prevailing in the area. The Attorney General has indicated that the language of the statute may be so construed.

Mr. President, I use the words "may be" because on close perusal of the opinion of the Attorney General, I fail to find anything that looks like a complete upholding of the powers of the Secretary of Labor under this reference, as are claimed by him to exist.

In summing up his argument in support of the validity of the action of the Secretary of Labor, the Attorney General stated as follows:

In the face of the longstanding administrative construction of the act as conferring power upon the Secretary to promulgate referral standards governing the use of the public employment service and the evidence of congressional acquiescence therein, I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made.

Mr. President, I have practiced law for a good many years, and I have been called upon for a good many opinions. I think I know what would be a strong opinion upholding the position of a client or of an agency which has requested advice. I can find no weaker statement which could be made by an Attorney General or by whomever in his office drew up this opinion, than the one included within the quoted words. He stated, I repeat:

I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made.

The only words I can apply, Mr. President, which appear to me to be adequate, are that those are weasel words, because they do not at all affirmatively uphold the construction of the statute requested by the Secretary of Labor and relied upon by the Secretary.

Competent authorities have questioned this opinion. In that connection, I refer to pages 111 to 126 of hearings of House Agriculture Committee on House bill 9869 and other bills, March 22–31, 1960.

For instance—and I shall refer now to the opinion of one of the questioning authorities who does not believe that the power claimed by the Secretary of Labor to exist does actually exist. The following is the opinion of the Chief of the American Law Division of the Library of Congress, one who is wholly impartial in this matter. He is a referee who is paid by the Government to render impartial opinions on the meaning of legislation, and of course he renders them from a background of very extensive experience and practice in this field. Here is what he says:

On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.), and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service.

* * * * *

At the same time, it is obvious that regulations purporting to require compliance with substantive standards as to housing, working conditions, etc., have been in effect since 1951. We do not see how mere lapse of time can confer authority not stated by law.

A former Solicitor of the Department of Labor, William S. Tyson, says—as appears on page 123 of aforesaid hearings—that—

Neither the statutory language nor the legislative history of the Wagner-Peyser Act, evidence any intent by the Congress to delegate or confer upon the Secretary of Labor authority to issue the amendatory regulations to part 602, title 20, Code of Federal Regulations, which he proposes in the document of March 13, 1959. It is evident here that the Secretary is trying to do indirectly what he is not authorized to do directly.

Mr. President, the document referred to—that of March 13, 1959—was the proposed regulations, which have been published in the Federal Register, and supposedly have been in force for some time, but actually have not been enforced up to this date, and now are proposed to be enforced after this Congress has adjourned—as a matter of fact, in December, at a time when the regulations will have their first application to the vegetable and fruit farmers of the southern part of the Nation only, including the farmers and fruitgrowers in the State of Florida. I do not mean to say that the application would never be made to others; but I mean that the first application for a period of weeks or months would necessarily be to the farmers, fruitgrowers, and vegetable producers in the southern part of the Nation.

The counsel of the House Agriculture Committee, Mr. Heimburger, has made a statement on this matter; it appears on page 113 of the aforesaid hearings. Here, Mr. President, I pause to pay tribute to him. Let me say that I have been sitting for several years in conferences on measures dealing with the field of agriculture; and Mr. Heimburger is always there, representing the conferees on the part of the House. I may say—and I am sure I am now speaking for all Senate Members who from time to time have sat in conferences on agricultural measures—that Mr. Heimburger has consistently shown the finest possible grasp of the meaning of agricultural legislation. So I now read what he said:

In summary, it is our position that the Wagner-Peyser Act is a service statute, not a regulatory statute, and that there is nothing in the act nor its legislative history which supports the assumed authority of the Secretary of Labor to issue the regulations proposed by him on March 13, 1959, and that, on the contrary, the statute and its legislative history make it clear that there is no authority under that act for the Secretary to issue regulations affecting users of the service except as provided in subsection 11(b) thereof, that when Congress intends for working conditions of agricultural labor to be regulated it makes clear and specific provision therefor, and that any effort to promulgate such regulations in this instance is in derogation of the powers of Congress to legislate.

Mr. AIKEN. Mr. President, will the Senator from Florida yield?

The PRESIDING OFFICER. Does the Senator from Florida yield to the Senator from Vermont?

Mr. HOLLAND. I yield to the distinguished Senator from Vermont.

Mr. AIKEN. I wish to gather a little information about the amendment proposed by the Senator from Florida.

As I understand, the reason for offering an amendment of this kind lies in the supposed fact that the Secretary of Labor has denied the services of the employment service to farmers who do not agree that the Secretary may regulate the conditions of labor on the employer's place—for instance, housing conditions, working conditions, and so forth.

Mr. HOLLAND. The Senator is correct in that assumption. He has not only denied it to individuals, as shown by the complaints of the American Vegetable Growers Association and of the Florida Fruit and Vegetable Growers Association, but he has denied it to the States, because his agreement and operations are with State service agencies of the same type.

Mr. AIKEN. I do not ask for special privileges for farmers, but I would like to know if the Secretary of Labor has undertaken to exercise the same power to regulate migratory industrial or construction labor.

Mr. HOLLAND. The distinguished Senator addressed that question to me just before he went to lunch, and I referred it to members of the staff of the Committee on Labor and Public Welfare. I am not a member of that committee. I received from them an answer that in no instance that they know of, other than in this field of agricultural labor, has the Secretary of Labor made any such ruling or attempted any such service.

Mr. AIKEN. I shall continue to seek information, although I think the Senator from Florida is probably correct.

Mr. HOLLAND. I will ask the Senator to pause while I read a statement from the testimony of Representative McINTIRE, of Maine, who appeared as a witness in the hearings to which I have just referred in my statement. I quote Representative McINTIRE:

> Another thing which has disturbed us also is that, insofar as we have knowledge, the area of agricultural employment and referral of workers to agricultural employers is the only area to which the interpretation I have set forth has been applied.

Mr. AIKEN. In other words, if, for example, a utility company undertakes to construct a dam on a tributary of a river, which requires 200 or 300 men, who come there with their families to work over a period of months or a year or two, does the Secretary of Labor then undertake to regulate the living conditions and working conditions of those construction employees?

Mr. HOLLAND. Or the wages.

Mr. AIKEN. Or the wages; and, I might also add, industries requiring emergency help involving a few hundred extra employees. Does the Secretary of Labor undertake to regulate hours, wages, working conditions, and living conditions for them; or is the "squeeze" being put on agriculture alone? That is the question I want an answer to. If the "squeeze" is put on agriculture, and industrial and construction labor is not subject to the same conditions, then, of course, the amendment of the Senator from Florida is fully justified.

Mr. HOLLAND. I thank the Senator. The Senator from Florida will simply say that he knows of his own knowledge of no field in which it has been applied except in agriculture, and, according to the information given him by the staff of the same committee, the same answer obtains. They said what the Senator from Florida knew to be true, that in the case of Government contracts and the application of another law in which the Secretary of Labor is given specific authority to announce the prevailing wage rate, he does that, but that is the result of the granting of specific authority and the placing of specific authority by an act of Congress in the Secretary in that field.

Mr. AIKEN. I realize that in the case of public contracts the Secretary of Labor is given authority under the Davis-Bacon and Walsh-Healey Acts, but does he undertake to exercise those rights in the case of a private employer or private contractor?

Mr. HOLLAND. The Senator from Florida has no information that he does, and he is advised by those he has consulted that the Secretary does not. The Senator from Florida does not have broad information in this field, and he has to rely upon what he is told by members of the committee staff.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HOLLAND. I will be happy to yield when the Senator from Vermont is through.

Mr. AIKEN. I am asking for information because my action on the amendment will depend on what answer I get to my question.

Mr. HOLLAND. My answer is that the Senator from Florida knows of no other field where such purpose is activated by the Secretary of Agriculture, and he is informed by Senators on the committee and members of the staff of the committee there is no other field, and he is also informed by the statement made by Representative McINTIRE in hearings in the other body, that such is the case; and other witnesses who appeared in those same hearings made a statement to the same effect.

Mr. AIKEN. I am not asking for or supporting special privileges for farmers, but neither would I condone discrimination against farmers in the way of rules, regulations, or other conditions which are not applied to employers in other types of industries.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HOLLAND. Yes.

Mr. WILLIAMS of New Jersey. I should like to ask a question of the Senator from Vermont. He referred to the "squeeze" on the farmers. I wanted to ask the senior Senator from Vermont whether he knew the "squeeze" was merely the requirement that the employer pay the prevailing wage in the area if he is going to avail himself of the services of the governmental agency.

Mr. AIKEN. And does that same "squeeze," if I may use the term, apply to the labor of a private contractor who may be building a dam or constructing a road or forest highway or doing similar work?

Mr. WILLIAMS of New Jersey. I would say the Wagner-Peyser Act specifically creates a responsibility within the U.S. Employment Service and the State agencies to maintain a farm placement service. I see no provision in the act that says they should maintain a migrant industrial workers service.

Mr. AIKEN. When was the Wagner-Peyser Act enacted?

Mr. WILLIAMS of New Jersey. In 1933. It has been amended many times since. The two senior Senators whom I am addressing were Members of this body when that happened.

Mr. AIKEN. Is that the act under which the Secretary of Labor has authority to deal with farm labor at the present time?

Mr. WILLIAMS of New Jersey. The responsibilities are there created to establish the service and the authority to make rules necessary to carry forward those responsibilities.

Mr. AIKEN. Then, how does it happen that for 26 years apparently no effort was made to exercise the authority the present Secretary of Labor undertakes to exercise with regard to farm labor?

Mr. WILLIAMS of New Jersey. To the contrary, the first expressions of this type of regulation were made in the late 1940's. Regulations similar to the regulations now under discussion, which finally became effective in December 1959, were part of the regulatory machinery as far back as 1951. They were changed slightly in 1954. They were changed very slightly in December of last year.

The farmers who wanted to use the Employment Service have been living with this for over a decade.

Mr. AIKEN. That same restriction applies to all other employers, as well as to farmers?

Mr. WILLIAMS of New Jersey. I see no specific responsibility on the Employment Service to furnish the service to migrant industrial workers. I see no similar direct responsibility in the migrant industrial field as I see as to the creation of the farm placement service.

Mr. AIKEN. Is the Secretary of Labor undertaking to enforce the same regulations against industrial and construction employers?

Mr. WILLIAMS of New Jersey. I can only say I have profound respect for the Secretary and I know he believes no employer should unconscionably undercut another and I am certain if he had the responsibility of placing industrial workers he would apply the same standards of reasonableness and fairness to those employers who use the agency, so as not to undercut other employers.

Mr. AIKEN. If he does not apply the same standards to industrial and construction employers, would that mean he does not possess the power to do so?

Mr. WILLIAMS of New Jersey. It would mean he has not been assigned the responsibility to place the industrial workers. I simply cannot imagine, if he had the power, that he would not use it in the same way he uses it for the farmers.

Mr. AIKEN. Should he not have the same power to regulate industrial and construction workers that he has in regard to agricultural workers?

Mr. WILLIAMS of New Jersey. The needs, as the Senator well knows, are much different. However, if he places industrial workers certainly he should have the same authority. I am sure he would use it to insure that the prevailing wage in the area for people similarly situated was applied.

Mr. AIKEN. After all, I rose seeking information, not expecting to give it.

Mr. COOPER. Mr. President, will the Senator yield to me?

Mr. HOLLAND. I yield to the Senator from Kentucky, but before I do so I wish to say it is very clear from the statement made by the Senator from New Jersey that he simply thinks the Secretary of Labor would exercise the same authority in other fields, but he has not claimed any exercise of that same authority has been made in other fields, if I correctly understand.

Mr. AIKEN. That is what bothers me.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. WILLIAMS of New Jersey. I have not claimed that the Secretary has attempted to place migrant industrial workers, as hypothesized by the senior Senator from Vermont.

Mr. HOLLAND. On that point the Senator from Florida knows that all during the last war, when we needed employees very greatly, for all types of labor in the State of Florida, especially to

build things which had some relation to the war effort, the employment service was working day and night trying to send laborers to us.

Mr. WILLIAMS of New Jersey. Did they not insist upon the paying of the prevailing wage rate in the area?

Mr. HOLLAND. Only when it was a Government contract. I believe if the Senator will look into the matter carefully he will find no law which justifies such an action except in the case of a Government contract, and that is given under a different act, the Walsh-Healey Act, and another act in the same field.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield to the Senator from Kentucky.

Mr. COOPER. Later I intend to offer an amendment to the amendment of the Senator from Florida, in order to place clearly before the Senate a very practical problem which I think exists regarding the working conditions of migratory workers. If the amendment of the Senator from Florida should be agreed to, I believe it would seriously affect these workers. My amendment is designed also, to prevent the Secretary of Labor from fixing wages and hours for domestic farm labor.

I should like to address myself for a moment to the question asked by the Senator from Vermont. That is, does the Secretary of Labor have any power to issue the regulations? If so, has he made regulations respecting any group other than the farmworkers?

I agree with the Senator from Florida that the authority which the Secretary of Labor claims under the Wagner-Peyser Act to issue regulations is doubtful. The act simply sets up an employment service, including a farm placement service, and is intended to furnish a supply of workers of all kinds within the States and among the States.

The Secretary of Labor has statutory authority to enforce prevailing wages on contracts involving Federal expenditures. However, it is a fact that under section 12 of the Wagner-Peyser Act, which gives him the power to establish rules and regulations, the authority he has exercised relates only to farmworkers, and it is only with respect to farmworkers that he has attempted to draw these kinds of regulations. He has drawn regulations in three instances; in 1951, in 1954, and last year in 1959. It is not certain that he has the power to do so, but it has not been challenged legislatively or judicially.

Mr. AIKEN. If the Secretary has the power to apply certain restrictions and regulations to farmers, he certainly should have the power to apply similar restrictions and regulations to people engaged in other lines in our economy.

Mr. COOPER. Legally, if he has the power to fix regulations affecting farm labor, of course he would have the same power to fix regulations concerning the entire labor supply.

Mr. AIKEN. But the Secretary cannot claim the power to regulate one class without claiming the same power and the right to apply regulation to industry, to construction, or to any other labor with equal diligence.

Mr. COOPER. I do not believe he has the legal power to do so. But he has exercised the power with respect to interstate supply of farm labor.

The amendment of the Senator from Florida raises some very difficult problems about transient workers and migratory workers. I am fearful the amendment of the Senator from Florida would go too far. I will vote for the amendment in the end if my amendment should fail, because I believe the Senator is correct legally. But I hope when I offer my amendment, the Senator will consider it, and the Senate will consider it, for it is an effort to protect these migratory workers until the Senate Committees on Labor and Agriculture and Forestry can study the matter and the Congress can clothe the Secretary with precise authority to protect migratory workers.

Mr. HOLLAND. I thank the distinguished Senator. I will say that any claim by the Secretary of Labor of the right to fix wages, let us say, by fixing prevailing wages, runs exactly contrary to the provisions of the Fair Labor Standards Act, passed in 1938, as amended in 1949, and as proposed to be amended now, which specifically and in direct words has refrained from giving any power over agricultural labor and has exempted agricultural labor from the provisions of such legislation.

I have been furnished from the State of Florida various illustrations of the way we are advised the new regulation will work. It is a new regulation. Nobody can make it an old one, because while there is some general terminology in the old regulation it has never been in force and has never been applied. It has simply been on the books. No one knew anything about it. As a matter of fact, the advisory committees serving both agriculture and the wages and hours group were both surprised when it was claimed there had been exercise of power by the Secretary of Labor under the 1951 regulation and a later one.

The two rules under which the Secretary of Labor proposes to fix what he will claim to be the prevailing wage are as I shall state.

The first results when they make a study and find that 40 percent of all the workers of that same classification in that same area are receiving the same wage. Then the Secretary would find affirmatively that that is the prevailing wage. Illustrations of that were furnished by the Labor Department to the Florida Fruit & Vegetable Association and by them forwarded to me.

The second standard is used if it cannot be determined that 40 percent of the entire laborers in that class in that area are receiving the same wage. I will read it, so that it may be very clear it is a different method.

If at least 40 percent of the workers surveyed do not receive a similar wage for similar work, the prevailing wage would be determined by beginning with the lowest wage rate and proceeding up the wage ladder until at least 51 percent of the workers surveyed are accounted for. The prevailing wage would, in this case, take the form of a wage range. See example C below.

The example is worked out on the page furnished to me and which I shall later submit for inclusion in the RECORD.

Mr. President, as applied here, it is very apparent that the prevailing wage can be one thing or another, and in neither case will it reflect any opportunity at all for the recognition of difference in ability, difference in experience, difference in age, or anything of the kind on the part of the persons secured and employed.

I yield to the Senator from Vermont.

Mr. AIKEN. I should like to ask one more question, which I believe is a reasonably important one. Does the Senator from Florida know whether the sponsor of the bill, the Senator from Massachusetts [Mr. KENNEDY] has taken a position on the pending amendment, and whether he feels that the adoption of the amendment would be harmful to the bill as a whole?

Mr. HOLLAND. The Senator from Florida has no information on that question. The fact is that the class of workmen affected by the proposed new section, if it is added to the bill, is a class excluded and exempted from the operation of the bill now pending, which has the sponsorship of the Senator from Massachusetts [Mr. KENNEDY].

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. WILLIAMS of New Jersey. I should like to point out to my friend the senior Senator from Vermont that immediately after the submission of the amendment in its original form by the Senator from Florida [Mr. HOLLAND], the Senator from Massachusetts [Mr. KENNEDY], who is handling the bill on the floor, was the first to suggest a reasonable conclusion that if it is proposed to amend the Wagner-Peyser Act, such amendment should be attempted when the Wagner-Peyser Act is under consideration, either in committee or in the Senate.

Now we are dealing with the Fair Labor Standards Act. We are talking about regulations of the Secretary of Labor promulgated under the authority of another act, and it was his position then that the amendment was clearly irrelevant and not germane to the discussion of the Fair Labor Standards Act.

Mr. AIKEN. Then we may assume that the Senator from Massachusetts [Mr. KENNEDY] is opposed to the pending amendment of the Senator from Florida.

Mr. WILLIAMS of New Jersey. As he stated immediately after the submission of the amendment, which was last Friday evening, I believe.

Mr. HOLLAND. I heard the statement made by the Senator from Massachusetts. As stated by the Senator from New Jersey the Senator from Massachusetts felt that such an amendment as the pending amendment should be presented at a time when the Wagner-Peyser Act was being studied for amendment.

However, this is the situation: In spite of the fact that the people affected, including members of the national and

State associations of growers, have been working very hard on this problem to get some relief, they have received none. This regulation, which is dated sometime last spring—April, I believe—and published in the Federal Register a long time ago, has not been applied. Now we have been notified that the Department intends to apply it in December.

Mr. AIKEN. Twenty-seven years have elapsed without its being applied.

Mr. HOLLAND. That is correct. The earlier regulation existed 27 years without being applied, and this regulation, announced in April of last year, is sought to be applied beginning in December, when Congress is not in session, and at a time when it is impossible to deal with the question in the Senate. If we are to deal with it we must do so at this time.

This subject was brought to the attention of the Senate Committee on Appropriations when we were considering appropriations for the Labor Department for fiscal 1960. It was brought to the attention of the Senate committee, not by the Senator from Florida, but by the Senator from Mississippi [Mr. STENNIS] and others, and after discussion in the Senate Committee on Appropriations we felt that it was of such urgency and importance to agriculture that we placed this statement in our report, and it is in the report now as a mandate, so far as the committee can give mandates, to the Secretary of Labor. It reads as follows:

> It has come to the attention of the committee that the Department of Labor has had under consideration the issuance of rules under the Wagner-Peyser Act, which would require farmers with respect to agricultural employment to submit to regulation by the Department over farm housing, transportation, wages and hours, and related matters. The Wagner-Peyser Act authorized the establishment of a national system of public employment offices as a means of assisting workers to find available job opportunities and employers to find available workers. It conferred no regulatory authority over either the workers or employers. The U.S. Employment Service, as its name implies, is solely a service agency. Except for the authority contained in title V of the Agricultural Act of 1949, as amended, which provides for temporary employment of Mexican farmworkers in the United States where such employment will not adversely affect the wages and working conditions of domestic agricultural workers, there has not been delegated to the Department of Labor any authority to impose regulations concerning hours, wages, compulsory bargaining or the like with respect to agricultural employment as defined in the act. On the contrary, the Congress has consistently exempted agriculture from such controls because of the great difference between conditions affecting agriculture and those affecting industry. Therefore, in providing funds for the carrying out of the Bureau of Employment Security programs, it is directed that such funds not be used directly or indirectly to impose with respect to agricultural employment regulations relating to wages, hours, bargaining, or other conditions of employment, except as may be expressly authorized by law.

Despite these views of the Senate Committee on Appropriations, though they waited until that particular year had arrived, on July 1, the Department of Labor has proceeded to issue and implement regulations relating to wages, housing and the payment of transportation of domestic farmworkers.

Mr. President, I do not know of any better example that I have seen of the tendency which too often exists on the part of a regulatory agency or bureau to grab more power than it is given by law, in the name of some humanitarian objective—and I am sure that objective is present. Not only do they know that the Senate committee gave this mandate which they have obeyed throughout fiscal year 1960, but they also know that the committee has found specifically, and without a dissenting voice, that there is no legislation on this subject, and has called that fact directly to the attention of the Secretary of Labor. Nevertheless, he now proposes to implement in December, when we are away from the Senate, the regulation issued last April, and in fiscal year 1961, which is not covered directly by the mandate of the Appropriations Committee.

I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, for the information of Senators interested in this discussion, the members of my staff have been in contact with the Department of Labor, and the Department cites two examples which it thinks might answer the question of the Senator from Vermont. I disagree with them. They cite section 602.9 of the act, which relates to the interstate recruitment of agricultural workers. Then they cite section 604.1(k), which is merely a statement of policy.

I call the attention of Senators to the fact that neither of these parts of the act, the statement of policy or the section pertaining to interstate recruitment of agricultural workers, gives the Secretary of Labor any authority to promulgate regulations in any field other than in agriculture.

I point out in support of my friend from Florida the need to amend this particular act to take care of this problem. As the Senator has well pointed out, the Secretary of Labor has no authority under existing law to establish wage control in the agriculture industry or in any other industry not covered by existing acts. We have historically exempted agriculture from the coverage of the Fair Labor Standards Act. I cite section 13(a)(6):

> Any employee employed in agriculture or in connection with the operation or maintenance of the ditches, canals, reservoirs, or waterways not owned or operated for profit or operated on a sharecrop basis, and which are used exclusively for supply and supplying of water for agricultural purposes.

That very clearly is the intent of the Fair Labor Standards Act of 1938, as amended.

It is very clearly set out in the Kennedy proposal, which we are discussing in the Senate. Therefore, it is perfectly proper that we amend the Kennedy proposal so as to prevent the Secretary of Labor from doing something that he has no authority by law to do.

Several Senators have asked what effect the Holland amendment might have on Public Law 78, which is another act specifically giving the Secretary of Labor control over certain working conditions, wages, and so forth, of agricultural workers who are Mexican nationals. We call them braceros. I should like to ask the Senator from Florida if he feels that his amendment in any way touches upon Public Law 78, which is the act of Congress giving the Secretary of Labor the rights and duties set out in that act with respect to such labor.

Mr. HOLLAND. No; because my amendment does not apply in such a situation, where, by express wording of the laws, powers are given to the Secretary of Agriculture.

I may say that in passing these Mexican laws each time they have been before us, the Senate has been very careful to say that the provisions of that law shall not invade situations in other areas. For instance, the Senator from Vermont has repeatedly stated on the floor that the laborers in the potato fields of Vermont come from Canada. Other Senators have repeated that they use various offshore laborers in their areas, some of these laborers coming from the Bahamas or Jamaica or Barbados, or other areas which are British.

Every time the Mexican Labor Act has come up in Congress it has been very carefully provided by law that none of these other areas shall be affected by the Mexican problem, which is different, both in nature and degree, from the others. That is so because there is a long frontier between our country and Mexico, which is difficult to police and because there is a long established custom of Southwestern States requiring their people to avail themselves of the services of a great many workers from Mexico in order to harvest their crops.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. GOLDWATER. Mr. President, Senator has answered that question. I am sure there are Senators, particularly those who come from border States, who might have had a wrong impression about the intent of the Senator's amendment. To bear out the contention of the distinguished Senator from Florida that protection has been written into Public Law 78 each time it was amended—as was also the case when it was originally enacted—I call attention, briefly, to paragraph 2 of section 503 of that act, which reads:

> The employment of such workers will not adversely affect the wages and working conditions of domestic agricultural workers similarly employed.

I believe that buttons up what the Senator from Florida has said about his amendment, that it in no way affects Public Law 78 dealing with Mexican nationals, or braceros, as we call them, who come into this country. I thank the Senator for yielding to me. I hope his amendment will prevail.

Mr. COOPER rose.

Mr. HOLLAND. I shall be glad to yield to the Senator from Kentucky if he will be brief. I am speaking on limited time.

Mr. COOPER. I wish to present my amendment. Has the Senator concluded?

Mr. HOLLAND. I have not concluded, but will conclude very quickly. I first ask unanimous consent to have included in the RECORD illustrations of the way the prevailing wage is figured in three different ways under the Department of Labor regulations, according to information given Florida growers by the Department of Labor.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

Under the standardized procedures set forth by the Department of Labor, the findings of such wage surveys will be evaluated in accordance with definite rules and formula, as follows:

GENERAL RULES

1. If at least 40 percent of the workers surveyed are found to be paid a similar wage for similar work, this wage—or the wage received by the most workers, if more than one 40-percent group exists—will be designated as the official prevailing wage. Example: If 40 percent receive 60 cents per hour and 45 percent receive 70 cents per hour, the prevailing wage would be set at 70 cents per hour. However, if 45 percent receive 60 cents and only 40 percent receive 70 cents, the official prevailing wage would be 60 cents per hour. Also see examples A and B below.

2. If at least 40 percent of the workers surveyed do not receive a similar wage for similar work, the prevailing wage would be determined by beginning with the lowest wage rate and proceeding up the wage ladder until at least 51 percent of the workers surveyed are accounted for. The prevailing wage would, in this case, take the form of a wage range. See example C below.

3. If, by chance, 50 percent of the workers surveyed receive a similar wage and the other 50 percent of the workers receive a higher but a uniform wage for similar work, the higher wage rate would be set as the official prevailing wage. See example D below.

Example A

Wage rate	Number of workers surveyed	Percent of workers
75 cents per hour	11	10.3
70 cents per hour	36	33.6
65 cents per hour	3	2.8
60 cents per hour [1]	57	[1] 53.3
Total	107	100.0

[1] Official prevailing wage. See rule 1 above.

Example B

Wage rate	Number of workers surveyed	Percent of workers
13 cents per unit	32	14.8
12 cents per unit [1]	93	[1] 43.1
10 cents per unit	91	42.1
Total	216	100.0

[1] Official prevailing wage. See rule 1 above.

Example C

Wage rate	Number of workers surveyed	Percent of workers
$23 per unit [1]	24	[1] 24.7
$22 per unit [1]	15	[1] 15.5
$21 per unit [1]	16	[1] 16.5
$20 per unit	38	39.2
$19 per unit	4	4.1
Total	97	100.0

[1] Official prevailing wage range. See rule 2 above.

Example D

Wage rate	Number of workers surveyed	Percent of workers
2½ cents per unit [1]	320	[1] 50.0
2 cents per unit	320	50.0
Total	640	100.0

[1] Official prevailing wage. See rule 3 above.

NOTE.—All of above examples were taken from actual findings of the Department of Labor in specific cases.

Mr. HOLLAND. The wage finding under example A would cause no protest. However, in example B, it is clear that the inclusion of but three workers in the 12-cent-per-unit group, out of a total of 216 workers, influenced the wage finding.

In example C, if only one of the four workers shown in the $19 per unit group had been working in the $20 per unit group, the prevailing wage rate would have been $20 under rule 1; however, rule 2 was applied because less than 40 percent of the workers were found in the $20 per unit group.

In example D, the Department of Labor's decision to use the higher wage figure is consistent with its policies to press wages upward whenever possible under whatever authority or means available.

It is obvious that the outcome of any wage surveys conducted in accordance with the foregoing procedures could be influenced by inadequate sampling by the person carrying out the survey.

Mr. President, there is an issue here that is far broader than the narrow question of the interpretation of a statute. It is an incontrovertible fact that when the Congress of the United States approved the Wagner-Peyser Act in 1933, there was not any remote intention of any supposition that a statute was being enacted to authorize regulation of wages or working conditions of farmworkers. The legislative history of the act discloses no single word indicating any intent that the act be so construed.

Executive interpretation of general language of an act to authorize doing what Congress did not intend be done is a practice inconsistent with constitutional intent and purpose and involving usurpation of a responsibility of the Congress.

I feel that the issue involved is not the motives behind or the reasonableness of the regulations issued by the Secretary of Labor. The basic issue is whether, within the framework of our constitutional form of government, it is for the Congress or for the executive branch to legislate in this important area of the law.

If such regulatory authority is to be exercised by the Federal Government, this should be done only after proper legislative process and affirmative action by the Congress.

Whatever anyone may believe the Congress should do in this connection, the inescapable fact is that the Congress has not done so; and until Congress chooses to do so by specific congressional enactment, it is a violation of sound governmental practice for an executive agency to proceed without such specific mandate.

My amendment would establish what, in my opinion, has always been the congressional intent, that the Wagner-Peyser Act is not to be construed to authorize the regulation of wages, hours, or perquisites provided farmworkers.

THE REGULATIONS

The regulations issued by the Secretary of Labor—and which he proposes to make effective in December—provide that any farmer who wishes to use the services of State or Federal employment offices must agree to, first, pay prevailing wages; second, meet specified housing standards; and third, pay transportation if this is the practice of other farmers.

The details of these regulations are not important. What is important is that if the Secretary of Labor has authority to issue regulations in this field, there is no discernible limitation on his authority, nor any restriction on what revisions can be issued at any time.

THE NEW WAGNER-PEYSER REGULATIONS REPRESENT EXECUTIVE USURPATION OF CONGRESSIONAL AUTHORITY

It is, I believe, axiomatic that executive agencies should administer laws in accord with the actual intent of Congress.

Otherwise, the agency is engaged in writing laws by executive order.

The agency is, in effect, exercising a legislative power. It is assuming a prerogative that is properly vested in Congress.

This procedure negates proper legislative process and circumvents constitutional intent.

The Department's action in this matter has been referred to in some quarters as enlightened. It is submitted, to the contrary, that executive action not founded on affirmative statutory enactment is the very opposite of enlightened.

FARMERS, AS ANY GROUP OF CITIZENS, HAVE A RIGHT TO PROPER LEGISLATIVE PROCESS AND TO AFFIRMATIVE ACTION BY THE CONGRESS, BEFORE ANY PROGRAM VITALLY AFFECTING THEIR INTERESTS IS INSTITUTED

One of the important bulwarks of freedom under our political system is that the lawmaking function is vested in Congress.

Here, where all parties may have their say before the proper forum, and the issues will be subject to free and open debate by the policymaking branch of the Federal Government, an issue will receive the kind of attention that citizens are entitled to as a matter of right.

This is the process dictated by prudence, wisdom, and experience. This process is in accord with the constitutional intent.

This is the only legitimate means for the initiation of a new venture in regulation.

This traditional and respected process is violated when a strained interpretation of an old statute, never intended by Congress to be so construed, is used by an executive agency to justify what it wants to do.

This is what the Department of Labor has done in promulgating regulations

governing the farmer-worker relationship, based on an asserted authorization of a 27-year-old statute, never envisaged as so providing when enacted.

This action by the Department of Labor is a violation of a cardinal rule of sound government.

This represents the adoption of the cynical concept that the ends justify the means.

THE NEW WAGNER-PEYSER REGULATIONS INVOLVE EXCESSIVE DELEGATION OF BROAD DISCRETIONARY AUTHORITY TO INDIVIDUAL OFFICIALS

It is impossible to determine from a reading of the new farm labor regulations, what their actual significance may be in a particular set of circumstances or what a farmer is required to do to comply with their provisions.

No farmer could determine from the regulations what wages he is required to pay to which classes of workers, or what transportation he is required to provide to what workers from what origins—not until an official of the Department of Labor told him—and when he was told, that would be the law.

The regulations are replete with terms which as they stand are ambiguous—"prevailing," "area of employment," "area of supply," "not less favorable than those prevailing." These terms would continue to be ambiguous until applied in a particular set of circumstances by a subordinate official of the Department of Labor.

This is the kind of regulation that invites selective treatment of those regulated—liberal interpretation for those who "cooperate"—harsh interpretation for the "uncooperative."

This is a far cry from government by law—this is government by men.

The history of human freedom is the history of the substitution of government by law for government by men.

This is the underlying purpose of the Constitution; a basic concept of our political system.

PREVIOUSLY ISSUED REGULATIONS

It is argued that the current regulations are only minor revisions of previously issued regulations.

Any such prior regulations were not questioned because they were not publicized, distributed, administered, or enforced.

They may have been "promulgated," but the practical effect of their promulgation was nil.

No State or Federal agency apparently disseminated them to farmers or made the slightest effort to inform farmers concerning their existence.

Although advisory committees on farm labor to the Department of Labor have been in existence for many years, at no time were any such regulations or modifications thereof presented to, mailed to, discussed with, or otherwise made available to the members of such committees.

It came as a shock to such advisory committees to be informed in February 1959 of the existence of such prior regulations. Yet no one in agriculture would be more likely to be informed in this respect.

It should further be noted that the prior regulations were issued under the title "Cooperation of the U.S. Employment Service and States in Maintaining a National System of Public Employment Offices." This misleading title does not indicate that any requirements on farmers are established thereby.

From any practical point of view, the regulations issued in November 1959 should be considered as a new venture in regulatory action, not as an extension or crystallization of anything previously issued. In the court of common sense these are new regulations.

It is argued that the Secretary of Labor under the new regulations is not engaged in setting wages, but rather in finding prevailing standards and requiring compliance with such going wages as a conditional eligibility to receive services.

However, any determination of prevailing wages necessarily involves a substantial measure of wage fixing.

Thus, the Secretary of Labor has adopted the so-called 40–51 formula for the purpose of determining prevailing wages under the new regulations.

I have already discussed that dual formula and have placed in the RECORD three different interpretations of how it would act. Those interpretations came from the Secretary of Labor.

Without going into any great detail as to how this formula operates, it can be summarized by saying that the average wage paid becomes the minimum required to be paid. Thus all below the average must bring their wage up to the average. This creates a new and higher average in succeeding years. Thus the formula has an escalator effect.

If Congress should decide that this is what should be done—then it is within the prerogative of Congress to so decide. But this should not be decided by the Department of Labor when Congress has not specifically given the Department any authority to do this, but on the contrary has on numerous occasions affirmatively decided against Federal regulation of farm wages and working conditions.

THE UNDERLYING ISSUE

The basic issue is not whether the regulations are good or bad.

The basic issue is: Should laws be written by the Congress or should they be written by executive agencies.

To find, as the Department of Labor has found, that a 27-year-old statute contains some language that may be strained to authorize what they want to do, is not in keeping with our constitutional concepts, or in accord with the division of powers envisaged therein.

Each and every Member of this body should vigorously defend the prerogatives of Congress, whatever his ideas may be concerning the type of legislation to be enacted in this or any other field.

Executive agencies should administer laws as the Congress actually intended when the laws were enacted. When they depart from this function and engage in writing laws by the issuance of regulations, it becomes the duty, right, and responsibility of the Congress to clearly and unmistakably assert its prerogatives.

That is what we are endeavoring to do through this amendment.

Mr. President, I yield the floor.

Mr. COOPER. Mr. President, I call up my amendment designated "A."

The PRESIDING OFFICER. The amendment will be stated.

The LEGISLATIVE CLERK. On page 24, between lines 5 and 6, it is proposed to insert the following:

SEC. 11. Except as may otherwise be expressly provided by law, the Secretary of Labor shall have no power to regulate wages, hours, or other conditions of employment of employees employed in agriculture (as defined in sec. 3(f) of the Fair Labor Standards Act of 1938) within the State in which such employees are recruited.

On page 24, line 7, strike out "SEC. 11" and insert "SEC. 12."

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that on the Cooper amendment to the Holland amendment there be 15 minutes for the proponents and 15 minutes for the opponents.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Does the Senator from Kentucky wish to reserve some of his time?

Mr. COOPER. Yes.

The PRESIDING OFFICER. The 15 minutes?

Mr. COOPER. Yes.

Mr. President, I intend to support many sections of the minimum wage bill which has been reported by the Committee on Labor and Public Welfare. In offering this amendment, I am not attacking the minimum wage bill reported by the committee.

In providing background for my amendment I remind the Senate that the Fair Labor Standards Act specifically exempts agricultural workers from its provisions. Nevertheless, I think it can be said that the Secretary of Labor, under the Wagner-Peyser Act, has claimed the power to refuse to provide agricultural workers through the Employment Service unless certain conditions such as wages, housing, and transportation are assured. This is done through the use of employment offices. The employment offices, of course, are used for all types of labor.

I will give a few examples. If in my State of Kentucky there should be a farm labor shortage in a certain area, the shortage would be referred to an employment office in the State of Kentucky. An effort would be made to secure workers in the State of Kentucky. If they could not be secured in Kentucky, the request would be referred to other States—for example, Indiana or Illinois. If laborers were found in Indiana or Illinois who could be sent to Kentucky, then the Secretary of Labor's exercise of power would enter into the situation in this way: Acting under the regulations promulgated by the Secretary, the employment office would not send agricultural workers from Illinois or Indiana into Kentucky unless the Employment Service in Kentucky determines that the workers would be paid the prevailing wage, either as it exists for Kentucky workers or as it exists for workers from Illinois or Indiana, and unless housing conditions and transportation conditions are acceptable.

So I think it must be said that, although it is argued by the Secretary of Labor that he is not fixing wages or hours, that he is using the Employment Services only to provide workers from another State, actually he will not refer workers unless they are paid a certain wage and unless they have certain working conditions which he has prescribed.

I have no objection and do not oppose these workers receiving good wages and having acceptable living conditions. The principle and purpose are good. But the problem is the extent of his power to so act. The Fair Labor Standards Act provides that these workers are exempted; and unless we accept the theory that the Secretary of Labor has power, under the Employment Service, to issue rules and regulations, superseding the Fair Labors Standards Act, there is doubt about his legal right to do so.

And the facts show that regulations are continually being extended. The Secretary of Labor has made speeches in which he has said he wants to establish minimum wages and hours of work for agricultural workers.

The farmers in my State are worried that unless this rulemaking power is limited, not only will he gradually extend the power over wages, through rulemaking, to agricultural workers who travel from one State to another, but that he will also try to fix the wages of such workers within a State. In fact, by means of the last regulations he issued, he did fix wages, by indirection, and working conditions for agricultural laborers recruited and used within a State. So we must face this question.

Mr. WILLIAMS of New Jersey. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. WILLIAMS of New Jersey. I should like to have some clarification. Is it the view of the Senator that the Secretary has expressed the opinion that he has authority to withhold the services of the employment offices in recruiting interstate labor, and that he has used, as the standard, in connection with the prevailing wage, the State of recruitment, not the State of employment?

Mr. COOPER. Yes; it is my understanding that although the old regulations set the prevailing wage scale in the labor-shortage area, it is now extended also to the level in the area from which they came.

Mr. WILLIAMS of New Jersey. I would direct the attention of the Senator to page 16374 of the CONGRESSIONAL RECORD for Saturday, where I included the language of the regulations. I see nothing there that says anything more than that where there is interstate recruitment, the workers' wage must be at the prevailing level in the State where he is brought, from another State.

Mr. COOPER. I shall answer that. However, I have only 15 minutes. After I complete my statement, I shall be glad to yield.

This is the new regulation:

No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless there are assurances from the State agency that:

(c) The State agency has ascertained that wages offered are not less than the wages prevailing in the area of employment among similarly employed domestic agricultural workers recruited within the State and not less than those prevailing in the area of employment among similarly employed domestic agricultural workers recruited outside the State.

So the Senator is correct.

Mr. WILLIAMS of New Jersey. So it is the area of employment. In other words, it is the Kentucky standard, when the workers are brought to Kentucky; and it is the Illinois standard, when the workers are taken from Kentucky to Illinois.

Mr. COOPER. That is correct. While my amendment would prohibit the Secretary of Labor from issuing rules with reference to farm labor in intrastate, a human problem is involved regarding migratory labor; and my amendment goes to that issue.

As I have said, I know that farmers in Kentucky and other States are concerned that unless this is stopped, the Secretary of Labor will finally use this power to fix wages for agricultural workers who work in the State in which they live and are recruited within that State. This is the issue which really worries farmers. And my amendment would meet this issue by denying the Secretary such power. But there is another issue—the human problem of those who live in Kentucky and travel to Illinois or Indiana to get jobs or come from those States to Kentucky. This is the problem of migratory transient workers, about whom we read so much, who travel about the country to find work. There is the danger that unless the Secretary is granted some authority, with respect to the transient workers or the migrant workers, they may be exploited. Unfortunately, many of them have been exploited in the past, as we know so well.

The problem of migratory workers is a subject now being studied by the Committee on Labor under the leadership of the Senator from New Jersey.

If the amendment offered by the Senator from Florida is limited by my amendment to prohibit the Secretary from fixing wages or working conditions for workers recruited within a State and working in the same State—intrastate—it would prohibit the Secretary of Labor from trying to fix farm wages generally if any Secretary has such a purpose. This being done, the Committee on Labor and Public Welfare could go forward with its studies as to how to handle, properly and legally, the transient workers; and if the Secretary of Labor does not now have certain and proper authority to provide proper wage and housing standards for migratory workers, the committee could write legislation to give him reasonable power to protect their wages and living conditions as they travel from State to State. This is a humane problem but it must be handled properly by the Congress.

So today I ask for the adoption of my amendment which would protect farmers from wage-fixing by the Secretary of Labor when they employ workers from their own State, who know prevailing local rates, and yet at the same time would provide protection to tenant farmers and laborers who must travel from State to State, who may not know prevailing rates in other States, and who in the past have been exploited in many cases.

Mr. GOLDWATER. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOPER. I yield.

Mr. GOLDWATER. Do I correctly understand that the Senator's amendment would apply only to intrastate agricultural workers? Then, by omission, would it still recognize the authority of the Secretary of Labor to establish wage rates in interstate farming operations?

Mr. COOPER. That would be its practical effect. It would prohibit the Secretary of Labor from attempting to fix, by the promulgation of rules, wages, and hours and working conditions of agricultural workers employed within their own State. The Secretary of Labor has issued regulations dealing with transient agricultural workers or migratory agricultural workers.

My amendment would leave those regulations in force and would protect those transient workers, until reviewed properly by the Congress.

Then, if we are not satisfied with those regulations, the Committee on Labor and Public Welfare can write legislation to properly state the power of the Secretary of Labor in those fields.

The amendment of the Senator from Florida would strike down all the regulations; and then there would be no regulation of any kind; and perhaps thousands of these poor people and their families, who go from State to State, would be placed at the mercy of what I hope are only a few in this country—but a few bad employers might exploit them.

If my amendment is adopted by the Senate we can protect the farmers within our States from regulation by the Secretary of Labor, and for the time being we can protect the migratory workers until the Committee on Labor or the Committee on Agriculture can address itself to the problem.

Mr. GOLDWATER. Mr. President, will the Senator from Kentucky yield for one more question?

Mr. COOPER. Yes.

Mr. GOLDWATER. I do not find fault with the Senator's idea. I merely am trying to explore its ramifications.

Has the Senator thought of a situation in which the employment offices in Kentucky were not able to meet the demands from intrastate sources, and would have to look for interstate sources?

Mr. COOPER. Yes, we have that situation in western Kentucky in the former commercial corn area, and in the case of some of our vegetable and fruit crops.

Mr. GOLDWATER. The Secretary would, in effect, then be able to establish wage rates in Kentucky when a situation existed that the local offices

could not supply the demand, if the amendment were adopted?

Mr. COOPER. The Secretary could say he will not refer any labor there unless Kentucky agrees to meet these conditions. But the farmer is not prohibited from asking workers to come in any way he can.

Mr. GOLDWATER. Outside the office.

Mr. COOPER. Yes.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. KUCHEL. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. KUCHEL. With consent for an additional half hour on this amendment, do I understand correctly that we will proceed to vote on this amendment, and then at half past 4 vote on the Holland amendment?

Mr. JOHNSON of Texas. Mr. President, may I be heard on the parliamentary inquiry?

The PRESIDING OFFICER. The Senator from Texas.

Mr. JOHNSON of Texas. Since some Senators were here when the original agreement was made, and it was not anticipated the opponents would not use all the time on the amendment of the Senator from Florida, I suggest that we not have the vote on the Cooper amendment until 4 o'clock, and then follow it up with a vote on the Holland amendment, so some Senators will not be caught off guard.

Mr. HOLLAND. I understood the Senate gave unanimous consent for 30 minutes in addition to the 2 hours, so the vote would not come up until 4:30.

Mr. JOHNSON of Texas. Yes. I just wanted to have the two votes come together when the time is exhausted.

Mr. HOLLAND. I am agreeable to that, but not to the contracting of the time from 2½ to 2 hours.

Mr. JOHNSON of Texas. That is not within the Senator's control. It is up to us. If we want to yield back time, we can.

Mr. HOLLAND. Yes, but there has been 15 minutes used on the new unanimous-consent agreement, so it certainly could not come at 4 o'clock. I want to be agreeable. It seems to me 4:30 would be the time to vote.

Mr. JOHNSON of Texas. That would be so if all the time were used. If the opponents used only 30 minutes of their 1 hour, the vote would come at 4 o'clock.

Mr. HOLLAND. I ask the Senate's indulgence, but, in the first place, I have not quite used my whole hour. The Senator from Kentucky began at 5 minutes of 3. I have a very limited time left.

Mr. JOHNSON of Texas. I thought the Senator had used all of his time.

Mr. HOLLAND. No; I think that is not correct.

May I inquire of the Chair?

The PRESIDING OFFICER. The Senator from Florida has 4 minutes remaining.

Mr. KUCHEL. Mr. President, may I ask the majority leader, in the event another amendment were offered, would it be the Senator's feeling that another half hour should be allowed?

Mr. JOHNSON of Texas. Let us see what it is.

Mr. WILLIAMS of New Jersey. Mr. President——

The PRESIDING OFFICER. Will the majority leader yield time to the Senator from New Jersey?

Mr. WILLIAMS of New Jersey. I was going to suggest that he yield 5 minutes to the Senator from Kentucky. Inquiry had started, and he used up his time.

Mr. JOHNSON of Texas. Mr. President, does the Senator from Kentucky care to have an additional 5 minutes so he can answer inquiries?

Mr. COOPER. Yes.

Mr. JOHNSON of Texas. I yield 5 minutes, out of the 15 minutes, to the Senator from Kentucky.

Mr. HOLLAND. Mr. President, the Senator has stated he knows of no legal authority for the exercise by the Secretary of Labor of any power in this field. Is that correct?

Mr. COOPER. That is my judgment. It has not been a settled fact. The Attorney General has said he does have power, but, in my opinion, it has been a very weak opinion. I do not think he has power.

Mr. HOLLAND. Under the amendment of the Senator from Kentucky, if it is offered as a substitute, has the Senator from Kentucky given thought to the possibility there might be a set of conditions under which Kentucky farm labor would be working for lower wages than Illinois, Indiana, or Tennessee farm labor who would be recruited across the State line?

Mr. COOPER. No; I do not think that is correct, because the regulations of the Secretary of Labor are that if labor comes across State lines, it shall be paid the prevailing wage of the area. So I do not see any problem there at all.

Mr. HOLLAND. The committee which would handle this matter is not the Committee on Agriculture and Forestry, but the Committee on Labor and Public Welfare, of which the able Senator from New Jersey is a member. In his chairmanship of the subcommittee, he has been conducting, as I understand, certain very fine investigations in this field. It would not be the Agriculture and Forestry Committee that would handle the matter.

Mr. COOPER. The chairman of the committee understands the problem.

Mr. WILLIAMS of New Jersey. I am a member of the Committee on Labor and Public Welfare, to whom the matter has been referred, and we have been considering problems throughout the country, including the State so ably represented by the Senator from Florida, where conditions are considerably better than they are in other parts of the country. The problems are not as acute there as they are in many of the other States. We in the Labor and Public Welfare Committee would consider the matter.

Mr. COOPER. The problems are the same, whether they are to be considered by the Committee on Agriculture and Forestry or the Committee on Labor and Public Welfare.

Mr. HOLLAND. Mr. President, I am not clear on the question of time. Does the Senator from Florida have control of the opposition time on the amendment offered by the Senator from Kentucky?

The PRESIDING OFFICER. The Senator from Texas has yielded 5 minutes to the Senator from Kentucky out of the 15 minutes, in order that the Senator from Kentucky might answer questions.

Mr. HOLLAND. My parliamentary question is, Do I not have control of the time in opposition to the amendment offered by my distinguished friend, the Senator from Kentucky, since it is offered as a substitute to my amendment?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that, under the circumstances, the majority leader has control of the time. However, if he wishes to do so, he can yield time to the Senator from Florida.

Mr. JAVITS. Mr. President——

The PRESIDING OFFICER. Does the Senator from Kentucky wish to yield to the Senator from New York? He still has time remaining.

Mr. COOPER. Yes.

Mr. JAVITS. Mr. President, I would be opposed to all these amendments, including the amendment of the Senator from Kentucky, so I did not wish to intrude on the time of the Senator from Kentucky, whose friendship I value so highly, and whom I would rather be for than against. However, I merely wish to say I serve on the subcommittee headed by the Senator from New Jersey, and I do not believe the argument should be pitched on the humanitarian desirability of what is involved, though I know it is true. I do not think it would be germane to this particular issue. I think the opinion of the Attorney General is very strong, if I may refer to it. The Senate Committee on Education and Labor pointed out that, under the Wagner-Peyser Act, the Secretary of Labor is authorized to promulgate rules, regulations, and standards of efficiency necessary to carry out the provisions of that act, to wit, the Wagner-Peyser Act. That is a very strong statement as to the implementation of that act, notwithstanding the quotation comes out of the report of the Committee on Education and Labor on amendment of the Wagner-Peyser Act in the 79th Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield such time as the Senator needs.

Mr. JAVITS. I shall require only a minute.

When one refers to the Attorney General's opinion, one finds it says, "The regulations you have in mind cannot be said to be in themselves unreasonable as imposing undue or arbitrary burdens upon employers who desire to obtain farm laborers through the interstate system of recruitment."

It seems to me that is as strong a statement as any court would make in a

case in which the regulation power of a particular public official was called to question. The court would not strike it down. That is as strong language as one could get in any legal opinion which would sustain the rulemaking power of a public official, the Secretary of Labor, as being properly exercised. I think, therefore, that the opinion of the Attorney General, with which I find myself as a lawyer in complete accord, is an answer to this question. We should not in this ex parte way, upon a minimum wage bill, strip the Secretary of Labor of that authority.

I thank my colleague for yielding.

The PRESIDING OFFICER. Does the Senator from New Jersey yield himself any additional time?

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 5 minutes.

Mr. President, I wish to refer to the substitute offered by the Senator from Kentucky [Mr. COOPER] and to express my opposition to the substitute. However, I certainly wish to express my gratitude for the understanding and the sympathy the Senator has shown and expressed for the migrant farmworkers.

As I understand the Senator, it is his feeling that for the time being the present regulations on interstate recruitment should obtain until the committees which substantively consider these aspects of the legislation shall have considered them fully and shall have brought their conclusions to the Senate. Is that a correct understanding?

Mr. COOPER. Yes.

Mr. WILLIAMS of New Jersey. With respect to the substitute, it seems to me, it should be opposed mainly because it is not needed. It is not needed because the regulations which the Senator from Florida [Mr. HOLLAND] is seeking to strike down deal not with the situation within the State of recruitment but deal instead only with respect to interstate recruitment.

I should like to refer to the regulations we are considering, and the opening paragraph:

> No order for recruitment of domestic agricultural workers shall be placed into interstate clearance unless there are assurances from the State agency that—

The "that" refers to the conditions within the State where the worker will be brought for employment. It does not seek to say to the State of Kentucky, "Before the bureau can be used for the employment of Kentuckians certain conditions must obtain." It says to the local offices in the State of Kentucky, "If you recruit workers from any of the other States, then those workers brought into Kentucky must be paid the prevailing wage rate within Kentucky."

I wish to be sure that we know what we are thinking about in terms of the worker, of the prevailing wage, and of the atmosphere in which the workers are recruited and employed. It is true that the agricultural worker is not included under the Fair Labor Standards Act.

Mr. KUCHEL. Why not?

Mr. WILLIAMS of New Jersey. We all know why. At the time of the enactment of the amendments to the Fair Labor Standards Act it was felt that the minimum hourly wage should not be applied to an industry as complex as agriculture, since much of the work was piecework. Most of it still is.

These regulations do not create and fix a minimum hourly wage. All they say is that if the beanpicker in the San Joaquin Valley, who lives in California and works in California, is making wages at the rate of 50 cents an hour, his wages should not be destroyed or undermined by the employment agency, by the agency recruiting workers from Texas and allowing them to be paid at the rate of 40 cents an hour or at a return of 40 cents an hour for picking the same beans which the Californian was getting 50 cents an hour for picking, but for which he probably would not get 50 cents an hour if the regulations did not obtain.

Mr. KUCHEL. Mr. President, will my friend yield?

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. KUCHEL. As I listened to the Senator from Kentucky explain his amendment, it appeared to me that what my friend from New Jersey says dovetails what the Senator from Kentucky recommends. In other words, it appears to me that the responsibility of the Secretary of Labor would operate on that interstate employment, and to that extent would come into the San Joaquin Valley with outside American employees who would be paid the same as what the San Joaquin Valley man was being paid.

Mr. WILLIAMS of New Jersey. That is the point. It would protect the domestic worker as well as give the interstate worker the prevailing wage. We all know that in many areas the wage is far from adequate, and far less than any minimum wage as provided under the Fair Labor Standards Act.

Mr. KUCHEL. Then I do not understand upon what basis my friend from New Jersey attacks the recommendation of the Senator from Kentucky.

Mr. WILLIAMS of New Jersey. I attack it because it is unneeded. It is not needed because the Secretary of Labor has no regulations, either directly or indirectly, saying anything to the California growers or to the California domestic workers. That is not being done.

Mr. CASE of South Dakota. Mr. President, will the Senator yield for a question?

Mr. WILLIAMS of New Jersey. I am happy to yield.

Mr. CASE of South Dakota. The Senator from South Dakota has been reading both amendments and has been trying to determine exactly what is the difference between them. I am going to state it as I understand it, and I should like to have the Senator correct me if I am incorrect in my understanding.

The Holland amendment would prevent the Secretary of Labor from making any regulations unless there is a specific law to that effect with respect to employees in agriculture.

The PRESIDING OFFICER (Mr. LUSK in the chair). The time of the Senator from New Jersey has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 5 more minutes.

The PRESIDING OFFICER. The Senator from New Jersey has only 4 minutes remaining on the Cooper substitute.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself the 4 minutes remaining on the Cooper substitute.

Mr. CASE of South Dakota. The Cooper amendment would carry over the Holland amendment but make the exception that if the employee is recruited across a State line then the Secretary can do something about it.

Mr. WILLIAMS of New Jersey. That is my understanding of the effect and of the thrust of the amendment.

Mr. JAVITS. Mr. President, will the Senator yield at that point?

Mr. WILLIAMS of New Jersey. I yield to my colleague on the committee, the Senator from New York.

Mr. JAVITS. Certainly the principle of the Cooper amendment takes into consideration a very different set of circumstances and indicates a much more equitable disposition toward the problem than does the original amendment.

Mr. WILLIAMS of New Jersey. Exactly.

Mr. JAVITS. The Senator went to great pains to point out that he is not opposing the amendment on substantive grounds, but he simply does not think it is really needed because no one is trying to exercise this power.

Mr. WILLIAMS of New Jersey. My friend is exactly correct.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield to the Senator from Kentucky.

Mr. COOPER. The farmers feel it is needed. If under the Wagner-Peyser Act there should be an attempt to use section 12 to justify the issuance of rules and regulations, the power would not be limited only to interstate movements of labor, but the power would be applicable also to intrastate movements of labor, if there is in fact statutory, legal power. The Secretary could take the position, "I have the power to issue rules and regulations regarding intrastate recruitment of labor."

My amendment would prevent that. It does have a purpose.

Mr. WILLIAMS of New Jersey. The Senator is locking the door before the horse is stolen, but there is no horse.

Mr. COOPER. I disagree with the Senator. Every regulation the Secretary issues goes a little further and moves in the direction of fuller control over farm labor. The present Secretary of Labor is an outstanding Secretary of Labor, a great servant of our country—but he should not deal with agriculture desires.

The Secretary of Labor, in a recent speech, said:

> I am convinced that agricultural workers must be given the protection of minimum wage and maximum hours legislation.

Later he said it could be partly accomplished by "development of additional standards governing employment conditions and recruitment efforts."

I do not want to be unfair to the Secretary, or quote his speeches out of context. He probably has no intention of

extending these rules to intrastate farm labor, but some Secretary in the future may try to do so.

My amendment would lock the door on fixing wages for intrastate farm labor, but it would give protection to the migratory worker.

Mr. WILLIAMS of New Jersey. Mr. President, those of us who have worked so closely with the problem during the last year are grateful indeed for that suggestion. Both the senior Senator from New York [Mr. JAVITS] and I have had the honor of serving on the committee and have seen conditions at firsthand.

Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. May we have a statement of the situation with respect to time remaining on the Holland amendment?

Mr. HOLLAND. Mr. President, may I ask a question with respect to the Cooper amendment? The Senator from Florida may have been misinformed. His understanding was that since the Cooper amendment was offered as a substitute for the so-called Holland amendment, the Senator from Florida should be granted time to reply to the argument of his friend, the Senator from Kentucky [Mr. COOPER]. He attempted to get some such time, but in the absence of the majority leader, who was engaged elsewhere, he was unable to obtain time.

Mr. JOHNSON of Texas. If the Senator will yield, I shall obtain the necessary time for him in a moment. I shall yield to the Senator from Florida such time as he desires to reply.

Mr. HOLLAND. I suggest that I have 15 minutes, which was the time devoted to the presentation of the Cooper amendment.

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that 15 minutes be granted to the Senator from Florida.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MORSE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. MORSE. I was not on the floor when the time limitation was agreed to. I have no objection to the time limitation. I am now only seeking to protect my own rights. Does the Senator from Florida, under the arrangement made by the majority leader, now have the right to use all the remaining time against the Cooper amendment, or is there some time left beyond the 15 minutes allotted?

Mr. JOHNSON of Texas. We have some time remaining on the Holland amendment, but the Senator from Kentucky [Mr. COOPER] offered an amendment to the Holland amendment and used the time of the proponents. Normally the opponent, the Senator from Florida [Mr. HOLLAND] would use the other 15 minutes. Some of that time was used by members of the committee. I believe the Senator from Florida [Mr. HOLLAND] is entitled to 15 minutes now, and if the Senator from Oregon wishes some time, I will make a request that he be granted time when the Senator from Florida concludes, or I shall yield him some of the time of the committee.

Mr. MORSE. I wish 3 minutes to speak in opposition to the Cooper amendment.

Mr. HOLLAND. Mr. President, I think I can see the motives that animate the Senator from Kentucky [Mr. COOPER]. I appreciate them. He does not want the Federal Government, represented by the Secretary of Labor, to reach within the confines of the State of Kentucky and to say to farmers what they should pay their labor, or to labor what it should receive from farmers.

I do not know whether there is any record of that happening at all. That is a completely different situation from that which is sought to be handled by the original amendment. I would have no objection to it if it were not offered as a substitute for the original amendment. But in offering his amendment as a substitute for the original amendment, the Senator from Kentucky has stated two points that I would regard as not completely consistent with that position. One point is that he sees no legal basis at all for the attitude of the Secretary of Labor; the other that he expects to support the Holland amendment.

The effect of the adoption of the Cooper amendment would be to wipe out the so-called Holland amendment because it is a substitute, and would completely replace it and not leave in the pending amendment anything affecting the problem which we are seeking to affect, and that is the effort of the Secretary of Labor, without legal authority therefor, to impose conditions of housing, of transportation, and of wage-fixing over the procurement of any labor from outside a State for agriculturalists within a State.

We remind the Senate that the Appropriations Committee in the fiscal year that elapsed on the first of July felt so keenly on this subject as to include in its report a provision that none of the appropriation for 1960 could be used for the implementation of this effort on the part of the Secretary of Labor.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. KUCHEL. I have just read the text of the Senator's amendment as it is now at the desk. It covers wages and hours of employment. That is all. Do I correctly understand that the Secretary of Labor has promulgated rules and regulations on subjects other than wages and hours, but that the Senator by his amendment seeks to eliminate regulations in those two categories alone? Is that what the amendment seeks to accomplish?

Mr. HOLLAND. It was my intention in offering the amendment that it cover "other conditions of employment" as well. I shall seek to clarify this point later. Now, what was the other question of the Senator from California?

Mr. KUCHEL. The Senator from Florida in his amendment seeks to restrict the operation of his amendment to wages and hours of employment. Is it true that the Secretary of Labor has promulgated rules and regulations in other fields besides wages and hours of employment?

Mr. HOLLAND. The Secretary of Labor has endeavored to promulgate rulings affecting housing, and also transportation conditions.

Mr. KUCHEL. Those rulings would remain in effect then; is that correct? Is that the effect of the amendment?

Mr. HOLLAND. Yes, as it is now worded. However, the Senator from Florida is preparing a clarifying addition to the amendment.

The Senator from Florida understands that specific authority is given in all but the Wagner-Peyser Act.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. CASE of South Dakota. The Senator from South Dakota has read the amendment at the desk, and he notes that the Cooper amendment contains the additional words "or other conditions of employment."

Is it not correct that the Cooper amendment goes further than the Holland amendment in that the Cooper amendment deals with conditions of employment other than wages and hours?

Mr. HOLLAND. The Cooper amendment does affect wages and hours "or other conditions of employment."

Mr. CASE of South Dakota. "Or other conditions of employment" would refer to housing, transportation, and other related subjects of that sort?

Mr. HOLLAND. As now worded, the amendment offered by the Senator from Florida covers only wages and hours of employment.

Mr. CASE of South Dakota. I address the same question, if I may, to the Senator from Kentucky.

Mr. COOPER. Those words were included in my amendment because the regulations of the Secretary of Labor refer not alone to wages and hours, but also to transportation and housing.

Mr. CASE of South Dakota. What the Senator from Kentucky desires to do is to restrict the Secretary of Labor from prescribing other conditions of employment within the State where the worker is recruited.

Mr. COOPER. Intrastate; yes.

Mr. CASE of South Dakota. It seems to me that there is a purpose to be served by the Cooper amendment which is not covered by the Holland amendment. I would also agree that there would be no great conflict if both amendments were adopted, provided one were not a substitute for the other.

Mr. HOLLAND. In recopying my amendment, the scrivener left out the words "or other conditions of employment," which were contained in the original text. I ask that my amendment be modified at this time so that the original language of it may be restored.

Mr. CASE of South Dakota. Reserving the right to object, what the Senator from Florida is now seeking to do is that, in addition to having his amendment apply to wages and hours, it shall apply also to other conditions of employment. Is that correct?

Mr. HOLLAND. The Senator is correct. I have a right to modify my amendment.

Mr. CASE of South Dakota. I recognize that fact.

Mr. HOLLAND. The scrivener, in recopying the amendment, left out "other conditions of employment." I have asked that my amendment be modified as I have requested, to include the words "or other conditions of employment." They were included in the original language.

Mr. KUCHEL. Mr. President, will the Senator yield?

Mr. HOLLAND. I yield.

Mr. KUCHEL. Then the colloquy I had with the Senator from Florida a few moments ago is now eliminated. Is that correct?

Mr. HOLLAND. It is. The questions of the Senator from California related to the amendment without the words "other conditions of employment" which were erroneously omitted, but which have now been restored.

Mr. CASE of South Dakota. If the Senator from Florida will yield further, as I understand, the only issue presented now, on the offering of the Cooper amendment as a substitute for the Holland amendment, is whether a period is placed after the word "agriculture," or whether an additional clause, offered by the Senator from Kentucky is to be added, which states that the Secretary of Labor might exercise regulations with respect to labor which is recruited across State lines. The Holland amendment is an absolute bar against the Secretary of Labor issuing regulations, unless they are specifically provided by law with respect to wages, hours, or other conditions of employment in agriculture.

Mr. HOLLAND. The Senator is correct.

Mr. CASE of South Dakota. The Senator from Kentucky proposes to add a clause which would state that the Secretary of Labor could issue such regulations with respect to labor that was recruited across State lines. Is that correct?

Mr. HOLLAND. The Senator is correct; except that the Senator from Kentucky is offering his amendment as a substitute, and therefore covers intrastate operations. That is why I object to it. I would hope that the Senator from Kentucky would succeed in the adoption of his amendment as a separate amendment, but not as a substitute to the amendment which I have offered, and which does inhibit the Secretary of Labor from operating in the field of intrastate procurement of agricultural labor, and to fix wages, hours, and other conditions of employment.

Mr. CASE of South Dakota. If the amendment of the Senator from Florida were adopted, there would be no occasion for having the amendment of the Senator from Kentucky adopted. The Senator from Florida offers an amendment which simply states that the Secretary of Agriculture shall not exercise anything by regulation in these fields, unless it is provided by law, where it applies to agriculture. If that absolute bar is enacted, then I see no reason for the exception which the Senator from Kentucky proposes.

Mr. HOLLAND. The only difference is that the amendment I have offered would prevent such regulations as to interstate operations while the substitute of the Senator from Kentucky would only prevent them as to intrastate operations.

I understand I have only a minute or so left. Without hostility to the Cooper amendment, if it is offered separately, I certainly protest its adoption as a substitute for my amendment. I hope, if it continues to be presented as a substitute, it will be defeated, and I hope that my amendment will be adopted.

Mr. JOHNSON of Texas. Mr. President, has all time for debate on the Cooper amendment been consumed?

The PRESIDING OFFICER. The Senator from Florida has 1 minute remaining.

Mr. HOLLAND. I yield to the Senator from Louisiana who wishes to place some material in the RECORD.

Mr. ELLENDER. Mr. President, I ask unanimous consent to place in the RECORD, in connection with my remarks, a letter dated April 8, 1959, addressed to the Honorable James Paul Mitchell, Secretary of Labor, on the questions at issue; his answer to me on May 8, 1959; and an opinion rendered by Wilfred C. Gilbert, Chief of the American Law Division of the Library of Congress, Legislative Reference Service, dated March 12, 1959.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

APRIL 8, 1959.

Hon. JAMES PAUL MITCHELL,
Secretary of Labor,
Department of Labor,
Washington, D.C.

MY DEAR MR. SECRETARY: I understand that you have requested recommendations in connection with the "Specifications for proposed amendments to part 602 of the Code of Federal Regulations, title 20", issued by the Bureau of Employment Security, and dated March 13, 1959.

The proposed amendments, which would provide for rather comprehensive regulation of housing, transportation, wages and other matters in connection with farm labor, would be imposed as a condition upon the interstate recruitment of farm labor through the U.S. Employment Service. The Wagner-Peyser Act, which created the Employment Service, contains no provision with respect to housing, transportation, or wage regulation; nor is there anything in it or in its legislative history suggesting that any such regulation was contemplated. If the proposed regulations were to be issued, therefore, the Department would be acting without any approval or guidance from Congress concerning the important and difficult policy questions involved.

The problems of agricultural labor, and in particular migratory farm labor, have received consideration by Congress for many years. The National Labor Relations Act and the Fair Labor Standards Act provide specific exemptions with respect to agricultural labor. In February and March 1952, 11 days of hearings were devoted to the problems of migratory labor by the Subcommittee on Labor and Labor-Management Relations of the Committee on Labor and Public Welfare of the Senate. At that time, the Acting Secretary of Labor testified at page 52 concerning recommendations of the President's Commission on Migratory Labor as follows:

"There are a number of recommendations (V(4)(b), V(7), VIII (1)(a), (2), and (3)), which seek to secure compliance with standards relative to housing, transportation, and sanitary facilities, by administrative action of the Employment Service. While we sympathize with the objectives sought by the Commission in making these recommendations, we are of the opinion that attempting to attain them through administrative action will place an unbearable burden on the U.S. Employment Service and would simply result in no one turning to the public employment service for assistance. Labor would be obtained by other means without any improvement in standards, in our opinion, as a result. At the present time only 30 percent of labor needs in agriculture are filled through the public employment services, and our purpose is to increase that percentage rather than risk reducing it.

Following these hearings, the Committee on Labor and Public Welfare reported out S. 3300 accompanied by Senate Report No. 1686, which discussed various other investigations by Congress and others pertaining to this problem. S. 3300, which would have created a Federal Committee on Migratory Labor, was not passed by the Senate.

In view of the complete absence of any congressional direction and the testimony of your Department in 1952 that such regulations would place an unbearable burden on the U.S. Employment Service, I believe the proposed regulations would not constitute an appropriate exercise of your authority under the Wagner-Peyser Act.

However, conceding for the purposes of this discussion only that the Department of Labor has authority to issue regulations under the Wagner-Peyser Act, the regulations proposed by you, referred to above, are beyond the scope of this authority, are contrary to Federal public policy, and are potently arbitrary and capricious.

As I understand the proposed regulations, they would compel employers, as a condition precedent to the use of U.S. Employment Service in interstate recruitment to do, among other things, the following:

1. Provide minimum housing in conformity with "standards developed by the President's Committee on Migratory Labor" in the case of families (602.0(e));

2. Provide transportation arrangements for agricultural workers "not less favorable than the transportation arrangements generally provided by other employers who have successfully recruited out-of-State workers * * *" (602.9(f));

3. Pay a wage rate "not less than the prevailing wage rate paid in the area to domestic agricultural similarly employed * * *" (602.9(g)); and

4. Comply "with nondiscriminatory practices established by law or public policy" and, further, "not establish unreasonable job restrictions or working conditions which would have the effect of excluding qualified local workers for reasons unrelated to job performance * * *" (602.9(h)).

Discussing these requirements in the order enumerated, they are in my judgment, imprudent, unwise, and otherwise untenable, for the following reasons:

Housing standards: This regulation incorporates by reference certain recommendations offered by the President's Committee on Migratory Labor.

In addition to attempting to enforce the application of these recommendations by utilizing a congressional grant of authority which antedates said recommendations, the proposed regulations, particularly insofar as they incorporate these recommendations, do not appear to be based upon any demonstrated need, or practicality.

For example, the following standards would be required to be met in connection with the construction of housing for farm workers

obtained through the U.S. Employment Service:

"Wooden floors shall be of planed tongue and groove lumber and in buildings without a cellar or basement shall be elevated not less than 18 inches above ground level to permit free circulation of air. The air space below the floor shall be properly screened and shall not be used for storage purposes."

I was reared in south Louisiana, and while the great majority of homes in that area are raised off the ground, I know of few, if any, which boast of a screened air space below the floor. In addition, just recently I had occasion to notice some Army-built enlisted men's housing on the military reservation at Fort George G. Meade, Md. These dwellings, although raised more than 18 inches from ground level, do not have the "air space below the floor" screened. It seems unconscionable, to me, that your department should require employers of temporary, migratory labor to meet standards which another agency of our Government does not regard as necessary in connection with the housing of military personnel and their dependents.

I wish to emphasize that my objections are not confined to this particular portion of the proposed housing regulation. On the contrary, I have used it merely as an example of the faults which pervade the tenor of the entire proposal.

I also wish to emphasize that I neither endorse nor condone in any case, housing of migratory workers in dwellings not adapted to good sanitation and to the geographic area where they might be located. However, it strikes me that any attempt to cure an evil of this nature by the blanket promulgation of such "shotgun" regulations as those at hand—regulations vague in terminology and unreasonable in scope—is an inappropriate exercise of whatever regulatory discretion the Secretary may have been granted by the Congress in connection with the operation of the U.S. Employment Service.

Transportation arrangements: Again, the terminology of this section is unreasonably broad and indefinite. This section of the regulation would apparently vest some unnamed official with authority to fix transportation minimums at almost any level he might see fit. Such arrangements would have to be at least as favorable as those provided by other employers who have recruited out-of-State workers. This raises the interesting possibility of a day-to-day, or month-to-month, or year-to-year increase in the scope and cost of such arrangements. As soon as a sufficient number of employers—and the requisite number is not stated—raised the scope of such arrangements above what might have previously been found to be a minimum level, those new arrangements would, in turn, become the minimum—and so on, ad infinitum.

Further, there is no limitation on such minimum arrangements by area; according to this regulation, transportation arrangements determined to be generally provided by employers of farm labor in California, could apparently be imposed as a minimum to be met by employers in Louisiana, for instance.

Wages: This section is a barefaced attempt to impose and enforce a minimum agricultural wage despite, consistent congressional rejection of this concept, and, further, specific congressional exemption of agricultural workers from the coverage of the Fair Labor Standards Act. Further, this section carries with it the authority to determine what might be the prevailing wage in an area. If the Department of Labor diligently endeavored to interpret this authority broadly, it could conceivably achieve the result obtained under the Walsh-Healey Act, when locality, as used therein for purposes of determining a prevailing wage, was found to embrace, on occasion, the entire United States. If the Department were able to stretch locality to embrace the entire United States, then American agriculture might well begin to quake in its boots at the prospect of what scope the word "area" might be given.

I urge the Department to remember that the Congress has not adhered to its policy of exempting farm workers from Fair Labor Standards Act coverage merely as a legislative exercise. I personally believe that the Department would be making a grave error in judgment to attempt to thwart congressional intent and reverse congressional will by the route chosen in this regulation. If the position taken by the Congress on this matter is to be reversed, then I urge the Department to permit the Congress, acting on its own motion, to do so, instead of attempting to achieve the same end by the abuse of any discretion the Congress may have accorded under the Wagner-Peyser Act.

Nondiscrimination requirements: Again, the standard imposed in this area is unconscionably broad. It is impossible for an employer to determine specifically what might be embraced within the phrase "nondiscriminatory practices established by law or public policy."

For my own part, I suspect that the Department may be attempting to impose a form of agricultural fair employment practices program upon employers of farm labor, something which the Congress has repeatedly refused to do in this or other fields. In addition, there may well be a multitude of other similar restrictions inherent in the requirement.

Furthermore, it is obvious that this regulation, as is the case with others discussed earlier, will require the promulgation of "subregulations" or perhaps Department rulings, further explaining and defining the proposed conditions which must be observed as a condition precedent to the use of the U.S. Employment Service. What these may be, or what standards they may pretend to follow, is not clear. If ever a vague subdelegation of delegated power were attempted, it is found herein.

In summary, let me point out that, first, I believe the legislative history of the Wagner-Peyser Act, plus subsequent events since the enactment thereof, all demonstrate that Congress never intended any grant of authority to promulgate regulations in connection with the maintenance of the U.S. Employment Service to extend to the lengths sought in the proposed regulation, and, further, even if that authority should be regarded as vesting the Department with power to impose conditions on the use by private employers of the Service, the conditions outlined (either directly or by inference), in the proposed regulations under discussion, are vague, unreasonable, arbitrary, and capricious.

I urge you to withdraw these proposals, and, in the event you personally, or others in your Department, believe similar regulations may be necessary, that you leave the matter up to the Congress, whose responsibility in this area is and should remain paramount.

Sincerely yours,

ALLEN J. ELLENDER,
U.S. Senator.

U.S. DEPARTMENT OF LABOR,
OFFICE OF THE SECRETARY,
Washington, May 8, 1959.

Hon. ALLEN J. ELLENDER,
U.S. Senate,
Washington, D.C.

DEAR SENATOR ELLENDER: This is in response to your letter of April 8, concerning the proposed issuance by the Department of Labor of certain regulations relative to the interstate recruitment of farmworkers through the public employment services.

The proposed amendments to which you refer in your letter are in tentative form and relate to the responsibility of the Department of Labor, under the Wagner-Peyser Act, for maintaining a system of clearing labor between the States.

The question of authority for issuing such regulations has of course been considered and we believe that there is adequate legal authority.

I have noted the reference in your letter to the testimony of the Acting Secretary of Labor in 1952 concerning recommendations of the President's Commission on Migratory Labor. There is a growing awareness and concern in many quarters that underemployment of farmworkers is widespread, even growing in some regions, while at the same time large-scale use of foreign contract workers is considered necessary in other regions. This apparent anomaly, numerous specific complaints, and my own independent inquiries, have made it clear that the farm labor situation has changed sufficiently to warrant a change in the Department's position.

The objective underlying our tentative proposal is to enable the public employment offices to perform a more effective job in the interstate recruitment of the many underemployed farmworkers. To provide full consideration of the views of interested agencies and persons, we are in the process of consulting with all the State employment security agencies, with our several advisory committees concerned with the farm labor service, and others.

I assure you that before any modification of existing regulations is adopted, full consideration will be given to the views of all interested parties and such modifications will be within the bounds of the authority conferred by law upon the Department of Labor.

The proposed housing standards to which you refer are those recommended by the President's Committee on Migratory Labor for family groups and those accepted by employers of Mexican nationals for single workers. We believe that these standards, reasonably applied, represent the minimum that should be sought for our citizen farmworkers. Again, however, we expect to take full advantage of the valuable advice being received on issues such as this before making our decision on the precise nature of any amendment to existing regulations.

In regard to transportation, many of our qualified unemployed agricultural workers lack the means to travel from their places of residence to areas where agricultural employment can be found. To utilize available qualified domestic workers, and particularly to assure that they have an opportunity for employment where there are serious shortages of domestic workers, we believe it is reasonable to request employers to provide transportation arrangements in keeping with the practices of other employers who have successfully recruited and retained domestic workers. Your implied suggestion that this proposed amendment needs spelling out in order to make clear how the obligation is limited as to distance and cumulative increase in costs is one to which we will give special attention.

Further, to carry out our responsibility to see that the employment of foreign workers does not adversely affect our citizen workers similarly employed, and in carrying out our agreement with Mexico, the Department has long been engaged in determining what wages actually prevail in farm areas. The first step in our prevailing wage program is to establish crop wage areas. These areas are generally composed of a county or counties, and occasionally, parts of counties. The State employment security agencies obtain information directly from workers and employers within a crop wage area to determine wages being paid. These surveys are conducted under uniform procedures developed by the

Department. The wage determination is then based upon a formula which has been aproved by our grower advisory committee. No attempt is being made by the Department to set minimum wages for agriculture by the proposed regulations.

The nondiscrimination requirements in the proposed amendments are those presently being carried out by the State employment services. The individual State employment services, I am sure, are in a position to identify the nondiscriminatory practices established by law or public policy.

We have considered that the proposed regulations, far from being a new departure in the Federal-State employment service system, represent moderate extension of present regulations contained in the Code of Federal Regulations. Your detailed and thoughtful comments on these issues are nevertheless of considerable interest and concern to me. I assure you that before any modification of existing regulations is adopted, full consideration will be given to the views of all interested parties and such modifications will be within the bounds of the authority conferred by law upon the Department of Labor.

Sincerely yours,

JAMES P. MITCHELL,
Secretary of Labor.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
March 12, 1959.

Hon. JOSEPH M. MONTOYA,
House of Representatives,
Washington, D.C.

DEAR MR. MONTOYA: You have asked for a brief statement as to the rulemaking power of the Department of Labor under the Wagner-Peyser Act; more specifically, their power to issue regulations covering employment of domestic farmworkers, as proposed in a release dated March 3, 1959. Part I of these regulations, according to release, provides that "any farmer who uses the services of the Employment Service for recruitment of domestic workers (which includes Puerto Rican workers) from outside the community must comply with the following regulations:

"1. His housing and other facilities must meet specifications acceptable to the Department of Labor.

"2. He must offer transportation arrangements not less favorable than offered by other employers of farm labor.

"3. He must pay prevailing wages in the area, as determined by the Labor Department."

The proposed regulation and its predecessors are technically based upon authority of section 12 of the Wagner-Peyser Act as amended (see CFR 1949 ed. 20: pt. 602). This section authorizes the Secretary of Labor "to make such rules and regulations as may be necessary to carry out the provisions of [the Act of June 6, 1933, as amended]." The question then is, whether "the provisions of the act" include such matters as are specified in the proposed regulations.

Briefly, the act set up a U.S. Employment Service "to promote the establishment and maintenance of a national system of public employment offices." This objective is spelled out in section 3 of the act, title 29, United States Code, section 49b:

"SEC. 49b. Employment offices; development of national system; veterans' service; 'State' defined.

"(a) It shall be the province and duty of the bureau to promote and develop a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations * * * to maintain a farm placement service. * * * The bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

"(b) Whenever in sections 49—49c, 49d, 49g, 49h, 49j, and 49k of this title and section 338 of title 39 the word 'State' or 'States' is used, it shall be understood to include Hawaii, Alaska, Puerto Rico, and the Virgin Islands." (June 6, 1933, ch. 49, sec. 3, 48 Stat. 114, Sept. 8, 1950, ch. 933, sec. 1, 64 Stat. 822.)

Citing these sections as authority the Department of Labor issued regulations regarding agricultural placement services, starting with 13 FR 8377. These early regulations (CFR 20: at 602.8 et. seq.) required the State agencies to provide "effective placement services for agricultural and related industry employers and workers," "through adequate local employment office facilities," etc. In 1951, new sections 602.9 and 602.10 were added, which as revised in 1954 (19 FR 7433) required that State agencies needing agricultural labor and desiring to secure interstate recruitment, were to meet the "following conditions" (sec. 602.9):

"(a) Examine production factors, to assure validity of need.

"(b) The State agency assures that (1) terms and conditions of employment are not less favorable than those offered by employers who have been successful in recruiting and retaining domestic workers for similar work in the area; (2) housing and facilities are available and will be, at the time of occupancy, hygienic and adequate to the climatic conditions of the area of employment; (3) wages offered are not less than the prevailing wage rates paid in the area to agricultural workers who are similarly employed; and (4) transportation from the pick-up point to the place of employment, and return, each day is provided by the employer to any available local workers, in accordance with the common practice of employers in the area.

"(c) Compile and make available information on prevailing wages.

"(d) The State agency will cooperate actively with designated State agencies responsible for conditions of housing and health and will make every effort to assure that housing and facilities offered workers meet minimum standards suggested by the U.S. Employment Service.

Judging from the release you sent over, the proposed regulations would carry these requirements a step further and make it incumbent upon the individual farmers using the Employment Service, to meet their conditions roughly corresponding to present section 609(b). And the question, as we understand it, is whether this extension of the regulations finds justification in the authority cited.

The following brief memo, prepared within strict time limit, is concerned with two points:

1. Whether the proposed regulation is within the intent of Congress in enacting the Wagner-Peyser Act.

2. Whether the regulation, apart from any such collateral evidence, has valid statutory basis.

(1) On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.) and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service. In fact the final paragraph of the Senate report on the original bill (S. Rept. 63, 73d Cong.; S. 510) states the following as the purpose of the bill:

"To assist and stimulate the development of a system by the States, the Federal Government will give sums of money to match the moneys already appropriated by the States or set aside by the States, for the development of a free employment service. The committee feels that we should keep the pattern of the States in doing their own work in placement, and put the Federal Government in the position of helping and encouraging them to do so; the Federal Government being responsible for the statistical work and saving the States this expense, and the statistical information being available to all the States. The Federal Government is also to do the research work, which is often too expensive for the States to do individually; the function of the States being to perform the task of getting the jobs and the workers brought together."

The House report (H. Rept. 158, 73d Cong.; H.R. 4559) has the following to say:

"This bill in a word sets up a national system for cooperation with the various States and endeavors to promote the establishment and maintenance of a national system of public employment offices; and for that purpose creates in the Department of Labor a bureau to be known as the U.S. Employment Service under the control of a director."

(2) So far as our findings under (1) above are in point, they seem to indicate that the Wagner-Peyser Act intended just what its title stated, viz. cooperation with the States in the promotion of a system of public employment offices, including a "farm placement service." Section 3 spells out the duties of the newly established Federal agency (i.e. a bureau to be known as the U.S. Employment Service, in the Department of Labor). It carefully details the methods by which the bureau is to "increase the usefulness" of public employment offices (see title 29, United States Code, sec. 49b quoted above). And the methods so stated seem clearly designed to promote the efficiency of the several employment offices, but to fall short of regulating the subject matter. Benefits of appropriations under the act are conditioned (sec. 4) upon the States officially accepting "the provisions of the act" and designating a State agency with power to cooperate with the U.S. Employment Service. Each State must match the Federal apportionment (sec. 5), and submit to the Federal bureau "detailed plans for carrying out the provisions of this act" within the State. And allotments may be revoked if it is found that a State's employment offices have not been conducted "in accordance with the rules and regulations and the standards of efficiency prescribed by the Federal authority. We find no language in the act enlarging the duties of the Department of Labor with regard to employment offices as set out in section 3.

At the same time, it is obvious that regulations purporting to require compliance with substantive standards as to housing, working conditions, etc., have been in effect since 1951. We do not see how mere lapse of time can confer authority not stated by law.

Sincerely yours,

WILFRED C. GILBERT,
Chief, American Law Division.

Mr. JOHNSON of Texas. Mr. President, I understand the senior Senator from Oregon desires some time. I yield 3 minutes to him on the Holland amendment.

Mr. MORSE. Mr. President, I rise to object to the proposed Cooper and Holland amendments. In my opinion, they should be considered together.

Any argument in opposition to one amendment goes also to the other amendment. Neither amendment has

any place in a fair labor standards bill. Neither has anything to do with the problem of minimum wages; they have to do with the authority of the Secretary of Labor to issue standard regulations when it comes to recruiting migrant workers.

That is what the Holland amendment amounts to. It refers to an authority which has been sustained by the Attorney General of the United States, and which, in 1946, was sustained by the Senate Committee on Labor and Public Welfare itself, in a report it made.

Anyone who objects to a course of action of the Secretary of Labor has two procedures open. He may introduce an independent bill and have hearings held on it before the appropriate congressional committees, or take the Secretary of Labor into court.

It is very interesting that those who have opposed the authority of the Secretary of Labor have not sought any court action, because they know very well they would lose in court.

Therefore, what we have in effect—and I do not care how we clothe these amendments—we have rider amendments proposed to a fair labor standards bill. They are amendments on which we have heard no witnesses, on which we have not had any hearings before our committee.

Therefore, I say most respectfully to my good friends, the Senator from Kentucky and the Senator from Florida, that I do not believe they are pleading their case in the forum where they ought to plead their case first. They ought to be before a committee, first, with an independent bill, raising the question as to whether, under the Wagner-Peyser Act, the Secretary of Labor is exceeding his authority. In my judgment, they would lose in court as a matter of public policy. They should lose in the Legislative Halls.

I come now to the matter of public policy, which represents my next major objection. The practice in the field of labor is that prospective employers call on the Federal Government for the use of a Federal agency, namely, the U.S. Employment Service. If they are going to use a Federal service, and if they are going to expect Federal taxpayers to finance that service, then the Federal agency has a duty, as a matter of public policy, to lay down reasonable standards, as the Secretary of Labor has done.

We are dealing here with a group of workers who present a sorry plight in America. It is a plight, in many parts of our country, that really is shameful. It is a plight that is the subject of much writing and much investigation has resulted from it into the low standards of living conditions that these workers are subjected to time and time again in many parts of our country.

This minimum wage bill is not a bill which we ought to be legislating on the great social problem which confronts us in the field of migratory labor. When all is said and done, these amendments deal with migratory labor. That subject should be handled in separate legislation. It ought to be handled with hearings before the committees.

Furthermore, there are many implications in this matter about which I would warn Senators before they vote this afternoon. The Senator from Kentucky is very much concerned about workers being moved intrastate. When the Federal Government is asked to be of service in moving workers intrastate, the Federal Government has a duty, in my judgment, to impose its own standards, even though some States do not want to come up to that level.

I should like the attention of the distinguished Senator from California [Mr. KUCHEL]. There can be within a State, too, some very serious migratory labor disputes, as is the case in California, with stretched picket lines. Shall we make the U.S. Employment Service a party to a strikebreaking program, simply because we are dealing with migratory labor in the agricultural field? Shall we pass legislation this afternoon, without any hearings on this problem, in which we shall restrain the Secretary of Labor from imposing reasonable standards before he makes workers available to employers in the orchards of my State of Oregon, for example, or in the row-crop fields in California, and in other migratory labor fields throughout the country?

I simply say, most respectfully, that, in my opinion, the distinguished Senator from Florida [Mr. HOLLAND] and the distinguished Senator from Kentucky [Mr. COOPER] are not in the proper forum this afternoon for the passage of this proposed legislation. I think they owe it to the Senate to make their case, first, in detail before the Committee on Labor and Public Welfare, with proposed amendments to the Wagner-Peyser Act, rather than to come to the floor of the Senate to offer amendments to a fair labor standards bill. They are riders which contain many serious implications and threaten dire consequences if we act on them with no more attention than we have been able to give to the facts in this debate.

Mr. COOPER. Mr. President, will the Senator yield for a question?

Mr. MORSE. I yield if I have time.

Mr. COOPER. I believe the Senator said the chief issue was migratory farm labor.

The PRESIDING OFFICER. The time of the Senator from Oregon has expired.

Mr. WILLIAMS of Delaware. I yield an additional minute to the Senator from Oregon.

Mr. MORSE. I said the migratory labor problem is involved in the question. There can be a migratory labor problem within a State, when the labor moves east, west, north, or south.

Mr. COOPER. The amendment which I have offered would protect migratory farm labor moving interstate.

Mr. MORSE. It would not if we took away from the Secretary of Labor the power he has to impose standards, if his services are to be used.

Mr. WILLIAMS of New Jersey. Mr. President, I should like to verify the point which has been so vigorously made by the Senator from Oregon. The Committee on Labor and Public Welfare has a Subcommittee on Migrant Labor. A minimum wage bill has been introduced by the distinguished senior Senator from Michigan [Mr. MCNAMARA]. We have had before that subcommittee, since our creation about a year ago, a minimum wage bill introduced by the distinguished senior Senator from Michigan [Mr. MCNAMARA]. We have had hearings in 8 or 10 States, and we have had hearings, and properly so, in the Capitol. We have given everyone an opportunity to be heard. I may say that we have not concluded with our hearings on minimum wages for migratory workers; the bill is still before us. There is still ample opportunity, in the regular deliberative way, for the Senator from Florida [Mr. HOLLAND] to make this sort of approach.

Mr. HUMPHREY. Mr. President, will the Senator yield?

Mr. WILLIAMS of New Jersey. I yield 5 minutes to the Senator from Minnesota.

Mr. HUMPHREY. The argument of the Senator from Oregon stands uncontested, or at least it certainly stands the test of contest, because the argument is based upon a considerable period of legislative history in terms of investigation into the migratory labor problems in this country. As the Senator from Oregon has well pointed out, the Fair Labor Standards Act which we are supposed to be acting on is to promote fair labor standards. I do not believe the two amendments, if we add them together, would do that. They merely provide that the Secretary of Labor is to be denied the power to give any protection to wages, hours, and other conditions of employment, both in interstate commerce and in intrastate commerce.

Mr. MCCARTHY. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. MCCARTHY. It is as bad as the Senator says, and worse. Not only would the Secretary not have any power over migratory farmworkers; he would be forced to recruit people who could be exploited by the growers.

Mr. HUMPHREY. The Senator from Minnesota puts his finger on the second great weakness of the amendment. Not only does it strip the Secretary of Labor of any power he might have at present, or deny him the right, further, to protect rather helpless individuals, it actually forces the Secretary of Labor to use an agency, supported by public funds, the U.S. Employment Service, to recruit workers at depressed wages.

Congress did not come back into session to see how we could lower wages. We came back into session to complete some of the uncompleted work of the second session of the 86th Congress. We certainly did not come back to see whether we could make life a little more miserable for people who already have plenty of misery. There is no group of people in America who have a more difficult time than the migratory farmworkers. Minnesota has some of those people working in the vegetable garden areas of our State. They are entitled to good housing and education for their young. They are entitled to health care. They are entitled to at least the prevailing wages in the area.

I am not ready to stand in the Senate and let this body vote to depress the wages of people in the State of Minnesota through an agency of the U.S. Government. That is exactly what would be done, because the U.S. Employment Service would be called upon to recruit workers, and possibly workers in excess of demand, thus placing an increased supply of workers in the labor market and thereby depressing wages in an area where we are trying to raise wages.

The food problems of America are sufficiently difficult without being complicated by the very serious problems of the migratory workers. Already this Nation faces problems in agricultural production and distribution. These two amendments, I must respectfully say, will only aggravate those problems.

We have before us these two amendments. I think the Senator from Florida is eminently correct in saying that the amendment of the Senator from Kentucky ought to be voted upon as an amendment to the amendment of the Senator from Florida, because then it will be possible to strip the Secretary of Labor of protection. Not only that, but it will be possible to direct him to lower standards throughout the Nation.

I shall vote against both amendments. I think both of them would have evil effects socially. I remind Senators that not a single church organization in the United States which is concerned about the physical or spiritual or social well-being of our people would support these amendments. Those organizations have been among the stanchest advocates of controls over migratory labor, in order to improve their standards. I further submit that there is no group of workers in America who are more depressed economically than the migratory workers.

I say those people should not be given a further body blow by Congress. If we adopt these amendments, we ought to change the title of the Fair Labor Standards Act. We should call it the Unfair Labor Standards Act, because that is exactly what it would be. This material does not belong in the bill. The purpose of the bill is to improve working conditions, to improve labor conditions, and to improve wages. There is not a Senator who can demonstrate that either the Cooper amendment or the Holland amendment will increase wages; in fact, the purpose of these amendments is to the contrary.

Those of us who have spent some time on this subject—and I have; I handled investigations in this area for more than 3 years as a Member of the Senate—can give assurance that these amendments will serve only to jeopardize the lot of the migratory workers.

In the name of simple social justice, I ask that, at least, these amendments be held back and not voted upon on this bill. This is not the place for them. Furthermore, I do not believe they should be voted for on any bill.

Mr. CASE of South Dakota. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. CASE of South Dakota. Does the Senator believe that the Secretary of Labor has the power, under the Constitution, to promulgate regulations affecting purely intrastate labor?

Mr. HUMPHREY. Only workers who are brought in from outside the State.

Mr. CASE of South Dakota. That is not the question. Does the Senator from Minnesota believe the Secretary of Labor has the power, under the Constitution, to issue regulations affecting purely intrastate labor?

Mr. HUMPHREY. I do not believe the Secretary of Labor would have power under existing law or the Constitution to affect intrastate labor—that is, individual worker by individual worker. Second, I do not believe it is a good, sound rule or policy for the U.S. Senate to direct the U.S. Employment Service either to recruit workers without regard to the prevailing wage in the area and thereby further depress wages; or to deny the Secretary of Labor the opportunity which he already has to improve some of the conditions which do not affect wages and hours. In Minnesota, we are rather proud of the fact that our State requires the provision of educational facilities for migratory workers and their children. They require sanitary facilities. They have rules which relate to the transportation of these workers. But despite all that, the living standards of this group of workers are low.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield?

The PRESIDING OFFICER (Mr. CANNON in the chair). Does the Senator from Minnesota yield to the Senator from Oregon?

Mr. HUMPHREY. I yield.

Mr. MORSE. I commend the able Senator for the argument in opposition that he has made.

I wish to point out, in regard to intrastate employment, that the Secretary of Labor does not propose to fix any wages. The Secretary of Labor—and his position on this matter has been sustained by the Attorney General of the United States—says only that if this Federal agency is to be used, certain standards must be complied with first, and that he will not recruit workers for them unless they live up to certain standards in regard to housing, medical care, sanitary facilities, and education, and unless the prevailing wage is paid. In fact, he does not even say what the prevailing wage in the locality is or how it shall be determined.

That is all the Secretary of Labor says; and in my judgment he is clearly acting within his power under the Constitution of the United States. I know of no constitutional provision which denies to a Federal agency the administrative right to lay down administrative rules and regulations in carrying out the authority given it by the Congress.

The Secretary of Labor is carrying out the provisions of the Wagner-Peyser Act; and all that Congress has done is delegate that administrative duty to the Secretary of Labor. He is acting in an administrative capacity, and he has a right to do so.

I am not speaking of any specific decision he makes; but that administrative power to make the decision has been sustained time and time again by the courts.

Mr. HUMPHREY. I thank the Senator from Oregon for his very lucid explanation of these legal points. He is one of the most brilliant lawyers in this body.

I believe it is a fact that the Secretary of Labor is performing only the duties he is required to perform under the Wagner-Peyser Act in connection with the U.S. Employment Service.

Mr. CASE of South Dakota. But that brings in another question.

My question went to the broader question, and did not necessarily involve the operation of the Wagner-Peyser Act. I would agree that if the Secretary of Labor is called upon to recruit labor, and if he comes into that situation under the provisions of the Wagner-Peyser Act, then an interstate matter is involved.

But entirely aside from that, my question was not whether the Secretary acts to recruit labor across State lines under the provisions of the Wagner-Peyser Act. My question was whether, under the Constitution, he has the authority to issue regulations in regard to purely intrastate labor.

Mr. HUMPHREY. But I do not think that is relevant to this particular bill, and it scarcely is relevant to the amendments.

Mr. CASE of South Dakota. I think it is relevant to the Holland amendment.

Mr. HUMPHREY. But the Holland amendment, in substance, would strip the Secretary of Labor of the authority he already exercises under the Wagner-Peyser Act, which says that the Secretary of Labor shall use the Employment Service for employment purposes.

Mr. CASE of South Dakota. I agree about that. But in connection with the Wagner-Peyser Act, the amendment endeavors to preserve the authority of the Secretary of Labor insofar as interstate recruitment is concerned or involved.

Mr. HUMPHREY. Yes; but the amendment would really attempt to set up a strawman and then knock him down.

Mr. AIKEN. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. AIKEN. As I understand, when an employer recruits labor either in his own area or in another State, either one, the Secretary of Labor has no authority to fix the terms or conditions of employment or housing or anything else.

Mr. HUMPHREY. The Senator from Vermont is absolutely correct.

Mr. AIKEN. But if the employer undertook to use the United States Employment Service, then he would come under the provisions of the Wagner-Peyser Act. Is that correct?

Mr. HUMPHREY. Yes, that is correct.

Mr. AIKEN. But so long as the employer did his own recruiting, the Secretary of Labor would have no reason or no right to come into the picture at all, as I understand.

Mr. HUMPHREY. The only restrictions then would be those imposed by State or local law.

Mr. AIKEN. Yes.

Mr. McCARTHY. Mr. President, will my colleague yield to me?

Mr. HUMPHREY. I yield.

Mr. McCARTHY. As a matter of fact, under the Wagner-Peyser Act if the employer does his own recruiting, there could be no possible interference, even if he did recruit interstate. There could be interference only if he used the U.S. Employment Service.

So far as constitutionality is concerned, I think it accepted that if State employees are engaged in interstate commerce, theoretically they might be subject to Federal law. But, as the Senator has indicated, there is no statutory authority in that connection.

However, the regulations which are supposed to be the subject of this proposed legislation are very clearly to the effect that no order for recruitment of domestic agricultural workers shall be given interstate clearance.

So no question at all of interstate clearance is involved in this debate.

Mr. COOPER. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. COOPER. I should like to address myself to the procedures under the Wagner-Peyser Act, and to the questions asked and the answers given by the Senators from Minnesota and the Senator from Oregon. After all, one must take one side or the other in connection with this matter.

The power of the Secretary of Labor to issue regulations could be exercised in both intrastate employment and interstate employment. If the Secretary of Labor says, "I can assert my power to issue regulations for interstate employment," he can likewise assert his power to issue regulations for intrastate employment. Senators may not like the purpose of my amendment; but it provides that the Secretary of Labor shall have no power to issue regulations for intrastate farm labor; but that if he has any power over migratory labor, it shall be preserved.

Mr. HUMPHREY. Mr. President, I believe the Senator's explanation is an accurate one.

The Holland amendment would strip from the Secretary of Labor his power over such labor when used for interstate purposes. The Cooper amendment would say to the Secretary of Labor, as regards migratory labor, that insofar as the use of the U.S. Employment Service is concerned, as a recruiting agency, the Secretary of Labor shall have no power within a State, so long as the workers are intrastate workers.

I say that both these amendments serve the following purposes: First of all, the Holland amendment would strip the Secretary of Labor of power over interstate or migratory workers; and, second, the little loophole that would still be left, whereby there could be some protection for humankind, would be denied by stripping the Secretary of Labor of any power over intrastate recruitment, insofar as the use of the U.S. Employment Service was concerned.

I ask my colleagues, Why should this be done? Can anyone show me that migratory workers are overpaid or that their lot is one of luxury or comfort? The records of the Senate committee are filled with stories of the human misery suffered by migratory workers. The Senator from New Jersey [Mr. WILLIAMS] has been holding hearings on this matter. There is no single group of people in America who are more shabbily treated or who are the victims of more social injustice than are the migratory workers. So, Mr. President, I cannot understand why the Senate of the United States should wish to make their lot just a little more difficult.

Furthermore, it seems to me that we should come with clean hands to matters relating to the production of food and fiber. But, in this instance, I say we are in a sense contaminating it by not raising the standards of agricultural workers. We should raise them, not lower them.

Mr. MORSE. Mr. President, will the Senator from Minnesota yield?

Mr. HUMPHREY. I yield.

Mr. MORSE. I wish to comment on the argument made by the Senator from Kentucky [Mr. COOPER], because I have not changed horses; I am still on the same horse.

Mr. HUMPHREY. Let me add that the Senator from Oregon knows a great deal about horses, too. [Laughter.]

Mr. MORSE. Yes, and sometimes I get thrown by them, too.

But I wish to say to the Senator from Kentucky that it makes no difference to me whether intrastate or interstate agricultural labor is involved; and all that the Senator has done by raising this legal problem, in my judgment, is to prove my case that this matter should be before the Labor Committee, and that the best legal witnesses should be before that committee for the discussion of the Senator's legal point of view, if he questions the power of the Secretary of Labor to lay down standards for the use of the U.S. Employment Service in connection with such intrastate labor.

If the Secretary of Labor is asked to be of assistance in recruitment, he is going to have to give that assistance under legal power he now has. There has to be a law on the books that will authorize him to do it. When he starts to function administratively under that legal power, then he has the right to lay down administrative standards, and he has a right to say, for instance, in California, "I am not going to get involved in that one. I am not going to move workers from southern California up into the strike area of California unless certain standards are complied with first. My Department is not going to be used to break a strike."

That is one little phase of the problem I want to raise. I do not agree with the Senator from Kentucky that what he is arguing is that employers in a State can ask the Federal Government to be of assistance in recruiting workers in that State, use Federal tax dollars to pay for that service, and not have the administrative right to lay down standards. Under the Senator's amendment, in my judgment, it would strip the Secretary of Labor of any administrative power to lay down reasonable standards for the recruitment of laborers. I do not intend to strip him of that power in interstate or intrastate work.

Mr. HUMPHREY. Mr. President, we have gone through a period of time in which income for farm producers has gone down. This is a matter of historical, political, and economic fact. There have been deepening troubles in the rural areas of America in the past few years. Most of the trouble has not been on farms where there are migratory workers, but on the family farm units, where mother and father, uncle and aunt, brother and sister farm the land, and where there is a record of depressed farm income.

I ask my colleagues, Can anyone show me how either of these amendments will raise wages for the migratory worker? Can anyone show me it will improve living conditions? No. In fact, there is no reason why the prevailing wage in the community should not be paid for that class of labor. I see no reason why we should open up a loophole in the law that will permit the U.S. Employment Service, in the name of fair labor standards, to lower wage income and make the lot of the migratory worker worse. I think this is bad legislative policy.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Ohio.

Mr. LAUSCHE. I have just heard the observations made by the Senator from Kentucky and the Senator from Oregon. If the Senate has the power to delegate to the Secretary of Labor the authority to fix wages and working conditions, both in interstate and intrastate commerce, I merely want to say we are indulging in a most dangerous practice. I do not care whether President Nixon, President Kennedy, or President Eisenhower will appoint the Secretary of Labor—I want no Labor Secretary to have the power to exercise this great control over our economy.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. LAUSCHE. I agree with the Senator from Minnesota about the need to help migrant workers, but we are in danger of entering into a tyrannical system by giving the Secretary of Labor, regardless of how benevolent he may claim it to be, this inordinate, extraordinary power.

Mr. HUMPHREY. I think the Senator from Ohio has made a very powerful argument. May I say that, just as the Secretary of Labor should not be given the power to set wages, he should not be given the authority to reduce wages, and that is exactly what these amendments do. The Secretary of Labor does not have power to set wages under the prevailing law. He merely provides certain employment standards, and he sees to it that the prevailing wage which is set by the community is the wage offered to workers recruited by the U.S. Employment Service.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. Yes.

Mr. PASTORE. If the Secretary of Labor is not going to be given the power to set the standards under which the people are going to work, then we ought not to ask the Secretary of Labor to recruit these people to be exploited. That is the question involved. We are not laying out any lines of demarcation that

will define constitutional rights as between intrastate and interstate functions; we are only saying that if they call upon the U.S. Employment Service to recruit these men and women to do the work, then the Secretary has the constitutional right and the constitutional obligation to see that these people are not exploited. It is just as simple as that. If employers do not want to meet the standards, then they should not call on the recruitment office. It is just as simple as that.

Mr. HUMPHREY. The Senator has stated it precisely and simply, and yet profoundly.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. YARBOROUGH. I ask the distinguished Senator from Minnesota if it is not a fact that the bill now being considered, S. 3758, the Fair Labor Standards Act amendments, does not contain this exemption:

Provided, That this bill shall not apply to any employee engaged in agriculture or in connection with the operation or maintenance of ditches, canals, reservoirs, or waterways that are owned, or operated for profit, or operated on a share-crop basis, which are used for storing water for agricultural purposes.

Is it not a fact that agricultural labor is excluded from this bill and there is no floor under wages under this bill?

Mr. HUMPHREY. That is right, and the only wage scale we are talking about is the prevailing wage set by the economic conditions in the community. What I and other Senators on this side of the argument are attempting to do is to see to it that we do not weaken an already rather weak arm of the Government, the Department of Labor, and to depress wages.

Mr. YARBOROUGH. Is it not a fact that if we adopt the Cooper amendment, we are going beyond the scope of the bill and going into agriculture, which is not touched by the bill?

Mr. HUMPHREY. That is my view; and it was pointed out by the Senator from Oregon that this material does not belong in the bill. We have a Labor Committee which can handle this problem. For more than a year the chairman of a subcommittee of that committee has been delving into this question. There is legislation proposed in the Senate dealing with it. While the subject may be germane, in a sense it is not relevant to the purposes of the bill.

Mr. YARBOROUGH. Is it not a fact that, if the Holland and the Cooper amendments are defeated, the laws, so far as agriculture is concerned, are left exactly as they are today; they are not changed one iota?

Mr. HUMPHREY. The Senator is correct; and there is a great burden of proof to the effect that the laws ought to be improved, not weakened.

Mr. PASTORE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. PASTORE. In the Committee on Labor and Public Welfare, not too long ago, a certain tragic condition was brought out. Some of the mothers among the migrant workers and their families had to put their babies in automobiles, and they closed the automobile windows on a hot day and some of the children smothered.

Does any Senator mean to tell me that if a woman goes to the United States recruitment office and solicits the aid of a Federal agency, it is not the duty of that agency to see to it that she is decently treated? Of course it is. Of course it is constitutional. If one applies to a Federal agency to do something for him, then he must expect reasonable regulations that protect life and limb and give these people opportunities to live humanely.

Mr. HUMPHREY. The Senator is correct.

Mr. LAUSCHE. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield to the Senator from Ohio.

Mr. LAUSCHE. I concur with the Senator from Rhode Island that the Government owes some responsibility, but if that responsibility is going to be exercised with respect to this important phase it ought to be exercised by the Congress, and there should not be given unlimited authority, depending upon the caprice and the whim of a fallible human being who is the Secretary of Labor, to declare the equivalent of law which the Constitution says the Congress shall exercise.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield 2 minutes.

Mr. LAUSCHE. This goes back to a philosophy of government.

Mr. PASTORE. Mr. President, will the Senator yield at that point?

Mr. HUMPHREY. I yield to the Senator from Rhode Island.

Mr. PASTORE. All the Congress does is to set the minimum standards. That is all we do. We simply set minimum standards. Standards must be set some place. We cannot set out the entire rules and regulations on the part of Congress. That is an administrative responsibility. All we do is set minimum standards.

Mr. LAUSCHE. The Secretary of Labor can set any standards he desires to set. As one American citizen, I am not ready to abdicate my authority by passing it from the Congress to some fallible human being. I do not care who is the Secretary of Labor, he should not have this inordinate power in his hands.

Mr. MORSE. Mr. President, will the Senator yield to me for 20 seconds?

Mr. HUMPHREY. I yield.

Mr. MORSE. I will say, my dear friend from Ohio is a brilliant lawyer. but he has missed the point, as brilliant lawyers sometimes do. When he says the Secretary of Labor can set any standard he wishes to set, the Senator from Ohio knows better. The case books are full of decisions of reversals of administrative officers, whenever they have issued unreasonable orders, rules, or regulations. The check for these gentlemen, if they do not like what the Secretary of Labor is doing, is, first, to go into the courts. They have not brought a case in the courts. Why? It is because they know a decision handed down by the Attorney General of the United States will stand the test of a court.

The second forum for these gentlemen is not on the floor of the Senate. First they should appear before a committee on an independent bill, not with respect to a rider on a minimum wage bill. In my judgment, they are pleading their case in the wrong forum at the wrong time.

Mr. LAUSCHE. Mr. President, will the Senator yield me 1 minute?

Mr. HUMPHREY. I yield to the Senator from Ohio.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. WILLIAMS of New Jersey. I yield 2 minutes to the Senator from Minnesota.

Mr. LAUSCHE. I need only 1 minute.

I am most amazed to hear a liberal so great as the Senator from Oregon advocating what, upon clear reasoning, is demonstrable as being tyranny of the worst type. It is surprising how frequently ultraliberals fall into the mistake, when moved by the desire to be philanthropic, of abandoning the concepts of liberty.

Mr. MORSE. Mr. President, will the Senator yield further?

Mr. HUMPHREY. Mr. President, I assure my good friend from Ohio that none of us would intend to abandon any concept of liberty for tyranny in any form, no matter who the Secretary may be in this or any other administration.

Mr. MORSE. Will the Senator yield to me so that I may state one sentence?

Mr. HUMPHREY. I think the argument of the Senator from Oregon is pretty clear. If there had been so much tyranny, it seems to me that someone who had been the victim of it would long ago have hired an attorney and gone to court.

The tyranny in this situation is the tyranny of poverty over the migratory workers. Not a Member of this body can deny it. The migratory worker is the most exploited worker in America. It is a most shameful thing.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. HUMPHREY. I yield.

Mr. YOUNG of North Dakota. I will say that the take-home pay of the migratory workers in North Dakota is higher than the take-home pay of the average farmer in my State. Those workers are not mistreated. They have the best lives they have ever known.

Mr. HUMPHREY. I will say that if they have the best lives they have ever known they must have had horrible lives before, because I have seen the migratory workers. Let us not be misled about this situation. These migratory workers need help. The name explains the problem. They are migrants. The families are on the road. Their living conditions are substandard. Their income is uncertain. The parents have little or no education, usually, and their children have little opportunity for adequate education. They rarely have the medical attention they need.

The Catholics, the Protestants, and the Jews—every religious institution in this country so states.

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. WILLIAMS of New Jersey. Mr. President, I yield 3 minutes to the Senator from Pennsylvania [Mr. CLARK].

Mr. CLARK. Mr. President, we shall shortly vote on the Cooper amendment. At the request of the majority leader, who is temporarily required to be out of the Senate Chamber, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. CLARK. Mr. President, if the Cooper amendment is defeated we shall ask for the yeas and nays on the Holland amendment.

Mr. President, I wish to state very briefly, as a member of the committee, since the distinguished chairman of the subcommittee seems to have temporarily lost his voice, that every Democratic member of the Committee on Labor and Public Welfare is opposed to both of these amendments. Neither of the amendments was offered before the committee. No testimony was taken with respect to either one of them.

The subject matter of the amendments is not germane to the pending bill. They represent an endeavor to do the wrong thing at the wrong time and in the wrong place. This is an attempt to amend the Wagner-Peyser Act under the guise of an amendment to the Fair Labor Standards Act.

I have listened with interest to the eloquent arguments made by my colleagues in opposition to these amendments. I think they are very sound.

Mr. PASTORE. Mr. President, may we have order in the Chamber?

The PRESIDING OFFICER. The Senator will suspend while the Senate comes to order. The Senate will be in order.

The Senator may proceed.

Mr. CLARK. Mr. President, the Cooper amendment is a pallid version of the Holland amendment, because it covers only intrastate employment activities, authority as to which has never been exercised, but the effect of both amendments in whole or in part would be to force the Secretary of Labor and the U.S. Employment Service to recruit farmworkers, to undercut the area's existing wages and hours and working conditions. The amendment is not an attempt to stop the Secretary of Labor from exercising any minimum wage power; it is an attempt to force him to use the public tax-supported employment agency to undercut area farm labor wages, which are already abysmally low. I hope both amendments will be rejected.

Mr. HOLLAND. Mr. President, I believe I have 4 minutes remaining; is that correct?

The PRESIDING OFFICER. The Senator from Florida has 4 minutes remaining.

Mr. HOLLAND. Mr. President, a lot of bleeding hearts here have been bleeding unnecessarily.

In the first place, the Senator from Oregon would be quite correct in his premise that we should go to court if the facts justified the premise. It is a problem. The Senator was not in the Chamber when it was announced that the rule complained of has not yet gone into effect. It is announced that it will take effect in December. That is the occasion which makes this the only proper forum for us at this time.

In the second place, the bleeding hearts which are complaining about the standards do not realize that the acts now in force do not enact any standards whatsoever. They do not give any authority at all to the Secretary of Labor to do what he intends to do next December. The Committee on Appropriations recognized that last year. We found that the Secretary was about to do this then, and we wrote into the report a mandate that the Secretary not use any 1960 appropriations for this purpose. The year elapsed effective July 1. For some reason we forgot to put the statement in the report this year, and the Secretary is proposing to do this.

The third thing is this: Every lawyer who has checked on this matter except the Attorney General has come out with an opinion saying there is not a shadow of authority given by the debates, by the act, by the CONGRESSIONAL RECORD with respect to the passage of the bill, which would allow the Secretary of Labor to take this action, other than one opinion, and that is the opinion of the Attorney General. Whoever wrote his opinion certainly had his tongue in his cheek and a weasel somewhere close by when he wrote it. This is all he could say:

> In the face of the longstanding administrative construction of the act as conferring power upon the Secretary to promulgate referral standards governing the use of the public employment service and the evidence of congressional acquiescence therein.

Congress certainly has not acquiesced, because this has not been in existence.

> I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made.

Mr. President, this is the time to make such a showing that the Congress did not delegate such power, did not intend to delegate such power, and does not intend now to delegate such power, under which the Secretary of Labor has already advised us of the triple method of trying to fix what are the prevailing wages, without making any allowance at all for the experience, for the maturity, and for the ability of the particular workers, but, instead, fixing the wage schedule and other conditions.

The amendment now pending specifically provides that the Secretary of Labor is not supposed to be affected in any way by the amendment. Could there be a more appropriate time, condition, or occasion in which to place this declaration in legislation than now? We would very clearly say to the Secretary of Labor who, as an administrative official, is assuming to act in a way Congress has never permitted him to act and has never delegated him the authority to act, "We did not intend for you to do this. We are saying now at this last opportunity that we do not want you to do it. By doing it we think you will impose greatly upon our system of laws and upon those affected."

It is amusing to hear the people who have been weeping so many tears about the condition of agriculturists throughout the country to weep now about doing them justice in the American way by providing that no official in the executive branch can take such action in the absence of legislative authority and in the absence of a grant of specific authority delegating him the necessary power, and that we will not stand for it. I think this is the appropriate time and place for such action. I hope that the Senate will take the action requested in the amendment offered by the Senator from Florida.

Mr. WILLIAMS of New Jersey. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. The Senator from New Jersey has 21 minutes remaining.

Mr. WILLIAMS of New Jersey. I yield 2 minutes to the Senator from Kentucky.

Mr. COOPER. I desire to point out that the first vote will be on the substitute which I have offered to the Holland amendment. There is a difference between the two amendments. Notwithstanding what has been said about my amendment, it would give protection to the migratory farmworker who moves from State to State.

Let that be known. It would give protection to the migratory worker.

The second point I wish to make is simple. Do Senators wish the Secretary of Labor, either directly or indirectly, to fix wages and hours for farmers in their States? My amendment would prevent him from doing so.

If Senators are against such action, either directly or indirectly, and wish to protect the migratory worker, they will vote for my amendment. But if they wish him to fix wages, directly or indirectly, for their farmers and neighbors, they should vote against my amendment.

Mr. WILLIAMS of New Jersey. Mr. President, I yield myself 1 minute.

I believe a very forceful argument has been made for the defeat of both amendments, and it has been made very eloquently by Senators who have spoken in opposition.

There is one argument, however, that might not have been emphasized and I think the Senators should consider it. I have had the opportunity as chairman of the subcommittee to travel around the country. There are very few of our States in which fruits and vegetables are not grown. Those fruits and vegetables are picked by hand. They are picked by natives of our States, and at the peak seasons by workers who are brought into the States. I think it should be understood that if the agency of the Secretary of Labor must recruit workers in peak periods from other States, and those workers receive less wages than the natives get for picking the same fruits and vegetables, as bad money drives out good, those low wages paid to the interstate recruited workers are going to drive down the wages which are paid within our States.

Mr. AIKEN. Mr. President, will the Senator yield 30 seconds to me?

Mr. WILLIAMS of New Jersey. I yield 30 seconds to the Senator from Vermont.

Mr. AIKEN. If the Cooper amendment were adopted, would pickers within a State be affected?

Mr. WILLIAMS of New Jersey. It will affect them in neither way.

Mr. AIKEN. It will protect against low-cost labor being recruited from some other State and brought in?

Mr. WILLIAMS of New Jersey. We know that for other reasons the Cooper amendment has not been supported on this side of the aisle.

Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Kentucky [Mr. COOPER] in the nature of a substitute for the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. HUMPHREY. Mr. President, will the Chair explain what is the parliamentary situation?

The PRESIDING OFFICER. Will the Senator restate his question?

Mr. HUMPHREY. What is the parliamentary situation relating to the Cooper amendment?

The PRESIDING OFFICER. The question is on agreeing to the Cooper amendment to the amendment of the Senator from Florida [Mr. HOLLAND].

Mr. HUMPHREY. And the Cooper amendment is in the nature of a substitute?

The PRESIDING OFFICER. The Cooper amendment is in the nature of a substitute. The yeas and nays have been ordered on the Cooper amendment. The clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The result was announced—yeas 18, nays 80, as follows:

[No. 288]

YEAS—18

Aiken	Cooper	Mundt
Allott	Dworshak	Prouty
Bennett	Fong	Saltonstall
Bush	Kuchel	Scott
Carlson	Lausche	Wiley
Case, S. Dak.	Morton	Young, N. Dak.

NAYS—80

Anderson	Cotton	Hartke
Bartlett	Curtis	Hayden
Beall	Dirksen	Hickenlooper
Bible	Dodd	Hill
Bridges	Douglas	Holland
Burdick	Eastland	Hruska
Butler	Ellender	Humphrey
Byrd, Va.	Engle	Jackson
Byrd, W. Va.	Ervin	Javits
Cannon	Frear	Johnson, Tex.
Capehart	Fulbright	Johnston, S.C.
Carroll	Goldwater	Jordan
Case, N.J.	Gore	Keating
Chavez	Green	Kefauver
Church	Gruening	Kennedy
Clark	Hart	Kerr
Long, Hawaii	Moss	Smith
Long, La.	Murray	Sparkman
Lusk	Muskie	Stennis
McCarthy	O'Mahoney	Symington
McClellan	Pastore	Talmadge
McGee	Proxmire	Thurmond
McNamara	Randolph	Williams, Del.
Magnuson	Robertson	Williams, N.J.
Mansfield	Russell	Yarborough
Monroney	Schoeppel	Young, Ohio
Morse	Smathers	

NOT VOTING—2

Hennings Martin

So Mr. COOPER's amendment was rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. JOHNSON of Texas. I move to lay that motion on the table.

The motion to table was agreed to.

The PRESIDING OFFICER. The question is on agreeing to the Holland amendment, as modified.

Mr. JOHNSON of Texas. Mr. President, I ask for the yeas and nays on the Holland amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time for debate has expired. The yeas and nays have been ordered.

Mr. AIKEN. Mr. President, may we have the Holland amendment read?

The PRESIDING OFFICER. Without objection, the amendment will be read.

The legislative clerk read the amendment, as follows:

On page 24, between lines 5 and 6, insert the following:

"SEC. 11. Except as may otherwise be expressly provided by law, the Secretary of Labor shall have no power to regulate, either through the withholding of benefits or services or otherwise, the wages, hours or other conditions of employment of employees employed in agriculture (as defined in section 3(f) of the Fair Labor Standards Act of 1938)."

On page 24, line 7, strike out "SEC. 11" and insert "SEC. 12".

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to have printed in the RECORD a statement I have prepared relative to the Holland amendment, including a letter from the Library of Congress.

There being no objection, the statement and letter were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR FULBRIGHT

I support the amendment offered by the senior Senator from Florida.

This is a simple amendment, but it is of extreme importance to the preservation of our traditional system of separation of powers between the executive and the legislative branches of the Government. The amendment would provide by law that the Secretary of Labor's powers to regulate wages, hours and other conditions of employment be limited to those specified in the Fair Labor Standards Act and in other express provisions of law. It would settle a controversy which has arisen concerning the Secretary of Labor's assumption of certain powers to regulate domestic farm labor which are not expressly provided for by law.

The Wagner-Peyser Act, approved by Congress in 1933, created a grant-in-aid program for the establishment of State employment agencies. The Secretary of Labor has interpreted certain language in this act as giving him authority to require farmers using the services of Federal or State employment agencies for recruitment of migratory labor to comply with such standards relating to wages, hours and working conditions as he finds to be prevailing in the area.

This interpretation of the law met with such criticism that the Secretary asked the Attorney General for an opinion on the subject. The Attorney General, in supporting the Secretary's interpretation, said:

"In the face of the longstanding administrative construction of the act as conferring power upon the Secretary to promulgate referral standards governing the use of the public employment service and the evidence of congressional acquiescence therein, I would not be justified in advising you that the construction is in fact erroneous in the absence of a clear and convincing showing of error. In my opinion no such showing has been made."

This is a strange exhibition of legal reasoning. In effect, the Attorney General said that since the Congress had not expressly objected to previous regulations issued by the Secretary, the Department must have the authority to operate in this field. This opinion has been disputed by many legal authorities.

Early this year the House Agriculture Committee conducted hearings on this problem. Three distinguished citizens from my State attended these hearings. They were J. C. Portis of Lepanto, J. P. Baker, Jr., of West Helena, and Byron Landers of Harrisburg. They represented many farmers in my State who are concerned about the Secretary's exercise of this authority without the express consent of the Congress. In the printed hearings there appears an opinion by the Chief of the American Law Division of the Library of Congress. I quote a brief excerpt from this opinion for the information of the Senate:

"On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.), and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service."

This opinion is very pertinent, since it originates with an unbiased and impartial organization established to provide objective information to Members of Congress. I am much more impressed with the reasoning in this opinion than with the unsound interpretation of the law by the Attorney General.

The Secretary of Labor has gone far beyond the intent of Congress in his interpretation of the Wagner-Peyser Act. The Secretary has, by setting regulations specifying eligibility standards for using the employment services, usurped a responsibility of the Congress. The Congress under the Constitution is the branch of the Government with sole power to legislate, and it is dangerous for us to stand by and allow officials in the executive branch to exercise powers which were not expressly granted by the Congress. I can think of no better way to diminish the authority and prestige of the Congress than by allowing its legislative powers to be eroded away in this manner.

I do not question the motives of the Secretary of Labor in issuing these eligibility standards. I do question his legal right to do so. Congress by its inaction cannot grant authority to the Secretary of Labor to proceed as he pleases in this important field. If eligibility standards for using employment services are to be established by the Secretary, the Congress must first give him the express authority to do so.

I urge that the amendment be adopted.

THE LIBRARY OF CONGRESS,
LEGISLATIVE REFERENCE SERVICE,
March 12, 1959.

Hon. JOSEPH M. MONTOYA,
House of Representatives,
Washington, D.C.

DEAR MR. MONTOYA: You have asked for a brief statement as to the rulemaking power of the Department of Labor under the Wagner-Peyser Act; more specifically, their power to issue regulations covering employment of domestic farmworkers, as proposed in a release dated March 3, 1959. Part I of these regulations, according to the release, provides that "any farmer who uses the services of the Employment Service for recruitment of domestic workers (which includes Puerto Rican workers) from outside the community must comply with the following regulations:

"1. His housing and other facilities must meet specifications acceptable to the Department of Labor.

"2. He must offer transportation arrangements not less favorable than offered by other employers of farm labor.

"3. He must pay prevailing wages in the area, as determined by the Labor Department."

The proposed regulation and its predecessors are technically based upon authority of section 12 of the Wagner-Peyser Act as amended. (See CFR 1949 ed. 20: pt. 602.) This section authorizes the Secretary of Labor "to make such rules and regulations as may be necessary to carry out the provisions of the act of June 6, 1933, as amended." The question then is, whether "the provisions of the act" include such matters as are specified in the proposed regulations.

Briefly, the act set up a U.S. Employment Service "to promote the establishment and maintenance of a national system of public employment offices." This objective is spelled out in section 3 of the act (U.S.C. 29: 49b):

"SEC. 49b. Employment offices; development of national system; veterans' service; "State" defined.

"(a) It shall be the province and duty of the bureau to promote and develop a national system of employment offices for men, women, and juniors who are legally qualified to engage in gainful occupations * * * to maintain a farm placement service. * * * The bureau shall also assist in coordinating the public employment offices throughout the country and in increasing their usefulness by developing and prescribing minimum standards of efficiency, assisting them in meeting problems peculiar to their localities, promoting uniformity in their administrative and statistical procedure, furnishing and publishing information as to opportunities for employment and other information of value in the operation of the system, and maintaining a system for clearing labor between the several States.

"(b) Whenever in sections 49–49c, 49d, 49g, 49h, 49j, and 49k of this title and section 338 of title 39 the word "State" or "States" is used, it shall be understood to include Hawaii, Alaska, Puerto Rico, and the Virgin Islands (June 6, 1933, ch. 49, sec. 3, 48 Stat. 114, Sept. 8, 1950, ch. 933, sec. 1, 64 Stat. 822)."

Citing these sections as authority the Department of Labor issued regulations regarding agricultural placement services, starting with 13 F.R. 8377. These early regulations (CFR 20: at 602.8 et seq.) required the State agencies to provide "effective placement services for agricultural and related industry employers and workers," "through adequate local employment office facilities," etc. In 1951, new sections 602.9 and 602.10 were added, which as revised in 1954 (19 CFR 7433) required that State agencies needing agricultural labor and desiring to secure interstate recruitment, were to meet the "following conditions" (sec. 602.9):

(a) Examine production factors, to assure validity of need.

(b) The State agency assures that (1) terms and conditions of employment are not less favorable than those offered by employers who have been successful in recruiting and retaining domestic workers for similar work in the area; (2) housing and facilities are available and will be, at the time of occupancy, hygienic and adequate to the climatic conditions of the area of employment; (3) wages offered are not less than the prevailing wage rates paid in the area to agricultural workers who are similarly employed; and (4) transportation from the pickup point to the place of employment, and return, each day is provided by the employer to any available local workers, in accordance with the common practice of employers in the area.

(c) Compile and make available information on prevailing wages.

(d) The State agency will cooperate actively with designated State agencies responsible for conditions of housing and health and will make every effort to assure that housing and facilities offered workers meet minimum standards suggested by the U.S. Employment Service.

Judging from the release you sent over, the proposed regulations would carry these requirements a step further and make it incumbent upon the individual farmers using the Employment Service to meet their conditions, roughly corresponding to present section 609(b). And the question, as we understand it, is whether this extension of the regulations finds justification in the authority cited.

The following brief memo, prepared within strict time limit, is concerned with two points: (1) Whether the proposed regulation is within the intent of Congress in enacting the Wagner-Peyser Act; (2) whether the regulation, apart from any such collateral evidence, has valid statutory basis.

1. On this point, we have scanned the reports and debates on the Wagner-Peyser Act of June 6, 1933 (48 Stat. 113; S. 510, 73d Cong.), and do not find any indication that the Members sponsoring or debating the measure had in mind that the Employment Service was to exercise any substantive control over the working conditions and terms of employment of workers recruited by the Service. In fact the final paragraph of the Senate report on the original bill (S. Rept. 63, 73d Cong.; S. 510) states the following as the purpose of the bill:

"To assist and stimulate the development of a system by the States, the Federal Government will give sums of money to match the moneys already appropriated by the States or set aside by the States for the development of a free employment service. The committee feels that we should keep the pattern of the States in doing their own work in placement, and put the Federal Government in the position of helping and encouraging them to do so; the Federal Government being responsible for the statistical work and saving the States this expense, and the statistical information being available to all the States. The Federal Government is also to do the research work, which is often too expensive for the States to do individually; the function of the States being to perform the task of getting the jobs and the workers brought together."

The House report (H. Rept. 158, 73d Cong.; H.R. 4559) has the following to say:

"This bill in a word sets up a national system for cooperation with the various States and endeavors to promote the establishment and maintenance of a national system of public employment offices; and for that purpose creates in the Department of Labor a bureau to be known as the U.S. Employment Service under the control of a director."

2. So far as our findings under (1) above are in point, they seem to indicate that the Wagner-Peyser Act intended just what its title stated; viz, cooperation with the States in the promotion of a system of public employment offices, including a farm placement service. Section 3 spells out the duties of the newly established Federal agency (i.e., a bureau to be known as the U.S. Employment Service, in the Department of Labor). It carefully details the methods by which the bureau is to increase the usefulness of public employment offices. (See 29 U.S.C. 49b quoted above.) And the methods so stated seem clearly designed to promote the efficiency of the several employment offices but to fall short of regulating the subject matter. Benefits of appropriations under the act are conditioned (sec. 4) upon the States officially accepting "the provisions of the act" and designating a State agency with power to cooperate with the U.S. Employment Service. Each State must match the Federal apportionment (sec. 5) and submit to the Federal bureau detailed plans for carrying out the provisions of this act within the State. And allotments may be revoked if it is found that a State's employment offices have not been conducted in accordance with the rules and regulations and the standards of efficiency prescribed by the Federal authority. We find no language in the act enlarging the duties of the Department of Labor with regard to employment offices as set out in section 3.

At the same time, it is obvious that regulations purporting to require compliance with substantive standards as to housing, working conditions, etc., have been in effect since 1951. We do not see how mere lapse of time can confer authority not stated by law.

Sincerely yours,

WILFRED C. GILBERT,
Chief, American Law Division.

The PRESIDING OFFICER. The question is on agreeing to the Holland amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD. I announce that the Senator from Missouri [Mr. HENNINGS] is absent because of illness.

I further announce that if present and voting, the Senator from Missouri [Mr. HENNINGS] would vote "nay."

Mr. KUCHEL. I announce that the Senator from Iowa [Mr. MARTIN] is absent by leave of the Senate on official business.

The result was announced—yeas 42, nays 56, as follows:

[No. 289]

YEAS—42

Allott	Dworshak	Long, La.
Beall	Eastland	McClellan
Bennett	Ellender	Morton
Bridges	Ervin	Mundt
Butler	Frear	Robertson
Byrd, Va.	Fulbright	Russell
Capehart	Goldwater	Schoeppel
Carlson	Hayden	Smathers
Case, S. Dak.	Hickenlooper	Stennis
Chavez	Holland	Talmadge
Cooper	Hruska	Thurmond
Cotton	Jordan	Wiley
Curtis	Kerr	Williams, Del.
Dirksen	Lausche	Young, N. Dak.

NAYS—56

Aiken	Church	Hartke
Anderson	Clark	Hill
Bartlett	Dodd	Humphrey
Bible	Douglas	Jackson
Burdick	Engle	Javits
Bush	Fong	Johnson, Tex.
Byrd, W. Va.	Gore	Johnston, S.C.
Cannon	Green	Keating
Carroll	Gruening	Kefauver
Case, N.J.	Hart	Kennedy

Kuchel	Morse	Saltonstall
Long, Hawaii	Moss	Scott
Lusk	Murray	Smith
McCarthy	Muskie	Sparkman
McGee	O'Mahoney	Symington
McNamara	Pastore	Williams, N.J.
Magnuson	Prouty	Yarborough
Mansfield	Proxmire	Young, Ohio
Monroney	Randolph	

NOT VOTING—2

Hennings Martin

So. Mr. HOLLAND'S amendment was rejected.

Mr. WILLIAMS of New Jersey. Mr. President, I move that the Senate reconsider the vote by which the amendment was rejected.

Mr. HUMPHREY. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to amendment.

Mr. JOHNSON of Texas. Mr. President, the senior Senator from Florida [Mr. HOLLAND] has another amendment which he is prepared to offer. However, he does not wish to offer it now, if there is a possibility that a motion to lay on the table will be made this evening.

We have attempted to work out an agreement which will be satisfactory to both sides.

I now propose, in keeping with the usual form which we use for unanimous-consent agreements, that when the Holland amendment is offered, the time be equally divided between the proponent of the amendment and the majority leader, and that the Senate proceed to vote at 2 o'clock tomorrow.

The PRESIDING OFFICER. Is there objection?

Mr. DIRKSEN. Mr. President, reserving the right to object, let me ask whether any intervening amendment will be covered.

Mr. JOHNSON of Texas. This includes the Holland amendment and all amendments thereto.

The PRESIDING OFFICER. Is there objection?

Mr. BENNETT. Mr. President, reserving the right to object, let me say we were not able to hear what agreement was proposed.

Mr. JOHNSON of Texas. I have proposed that during the consideration of the Holland amendment or any amendments thereto, the time be equally divided, under the control of the proponent of the amendment and the majority leader, respectively, and that the yea-and-nay vote on the question of agreeing to the amendment be taken at 2 o'clock tomorrow.

Mr. BENNETT. I have no objection.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

Mr. JOHNSON of Texas subsequently said: Mr. President, a minute or so ago we obtained unanimous consent to have the Senate vote on the Holland amendment and all amendments thereto by yea-and-nay vote to begin at 2 o'clock tomorrow. I want to clarify the matter, in order that every Senator may understand: There will be no rollcalls between now and 2 o'clock tomorrow, unless there should be rollcalls on a motion to adjourn, or something like that, which we do not anticipate.

The unanimous-consent agreement as subsequently reduced to writing is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That effective on the convening of the Senate tomorrow (Wednesday, August 17), debate on the pending amendment proposed by Mr. HOLLAND to S. 3758, the Fair Labor Standards Amendments of 1960, and all amendments thereto, shall proceed until 2 o'clock p.m., but no vote thereon shall be had prior to said hour on any amendment; that the intervening time shall be equally divided between those favoring said amendment or amendments and those opposed thereto, and controlled by the mover of the amendment or any amendment thereto and the majority leader: *Provided,* That in the event the majority leader is in favor of any such amendment, the time in opposition thereto shall be controlled by the minority leader or some Senator designated by him: *Provided further,* That no amendment that is not germane to the provisions of the said bill shall be received.

Mr. HOLLAND. Mr. President, pursuant to the unanimous-consent agreement which has just now been entered into, upon the request of the majority leader, I send forward an amendment which I submit on behalf of myself, the Senator from Louisiana [Mr. ELLENDER], the Senator from Arkansas [Mr. FULBRIGHT], the Senator from New Hampshire [Mr. BRIDGES], and the Senator from Iowa [Mr. HICKENLOOPER], and ask that the amendment be made the pending business and be printed in the RECORD, and that copies of the amendment be printed and made available.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BENNETT. Does the Senator from Florida wish to have the amendment read to the Senate at this time?

Mr. HOLLAND. Mr. President, instead of having the amendment read at this time, I ask that it be printed at this point in the RECORD, without being read.

There being no objection, the amendment submitted by Mr. HOLLAND, for himself, Mr. ELLENDER, Mr. FULBRIGHT, Mr. BRIDGES, and Mr. HICKENLOOPER, was ordered to be printed in the RECORD, as follows:

On page 3, beginning with the colon in line 10, strike out through the word "establishments" in line 24.

On page 4, beginning with line 4, strike out through line 17 on page 5, and insert the following:

"(t) 'Enterprise engaged in an activity affecting commerce' means an enterprise engaged in such an activity, which is in the business of operating a street, suburban, or interurban electric railway, or local trolley or motorbus carrier.".

On page 7, lines 6 and 7, strike out "(1), (2), or (3) or in an establishment described in section 3(t) (4) or (5)".

On page 13, lines 13 and 14, strike out "(1), (2), or (3), or in an establishment described in section 3(t) (4)".

On page 17, beginning with line 8, strike out through line 22 on page 18 and insert the following:

"(1) any employee employed in a bona fide executive, administrative, professional, or local retailing capacity, or in the capacity of outside salesman (as such terms are defined and delimited by regulations of the Secretary of Labor, subject to the provisions of the Administrative Procedure Act); or

"(2) any employee employed by any retail or service establishment, more than 50 per centum of which establishment's annual dollar volume of sales of goods or services is made within the State in which the establishment is located. A 'retail or service establishment' shall mean an establishment 75 per centum of whose annual dollar volume of sales of goods or services (or of both) is not for resale and is recognized as retail sales or services in the particular industry; or

"(3) any employee employed by any establishment engaged in laundering, cleaning or repairing clothing or fabrics, more than 50 per centum of which establishment's annual dollar volume of sales of such services is made within the State in which the establishment is located: *Provided,* That 75 per centum of such establishment's annual dollar volume of sales of such services is made to customers who are not engaged in a mining, manufacturing, transportation, or communications business; or".

And to amend the title so as to read: "A bill to amend the Fair Labor Standards Act of 1938, as amended, to provide coverage for certain employees engaged in activities affecting commerce, to increase the minimum wage under the Act to $1.25 an hour, and for other purposes."

Mr. BENNETT. Mr. President, I am concerned about the economic and constitutional implications of the Kennedy minimum wage bill. There are many things about this bill which bother me, but I shall only take the time to comment on three significant points. One relates to the wage-setting function in our type of society and the means by which this should be accomplished. The second is my conviction that the bill in its present form is going to hurt, instead of help, the people it is intended to help—the low-income groups. My third concern is with the attempt through this proposed legislation to further weaken the power of the States and to concentrate power in the Federal Government, through the interstate commerce test as contained in the bill, to determine what firms should be covered.

Before discussing these points, I should like to make one thing clear: I have no quarrel with the moral argument for the minimum wage law. The original act had as its objective the elimination of labor conditions "detrimental to the maintenance of the minimum standard of living necessary for health, efficiency, and general well-being of workers." This is a worthy goal, and I support the concept. But the Kennedy bill, although tied to that policy statement, will not accomplish its goal, and in the attempt to do so will threaten to destroy the freedom and the productive resiliency of our society.

Let me also emphasize that in opposing the increase in the minimum wage, I have no ax to grind. In the businesses with which I am connected in my home State, the lowest wages are considerably above the $1.25 proposed minimum. My objections are based solely upon my concern about the effect this bill will have on the economy.

Regarding my first point, I believe wages should be set by collective bargaining or other privately negotiated means, and that the power of the Federal Government should not be used to raise them. In other words, the minimum wage should be a floor, not an elevator.

When the minimum wage is raised, it can have one or both of two effects: First, it may force an increase in all wages at levels below the new minimum, wages arrived at by collective bargaining or other means; thus increasing costs without any corresponding increase in productivity. Second, it may have the effect of raising wages at every level, under the reasoning that historic differences must be preserved.

Consider, for example, the case of a skilled mechanic, earning $4 an hour, who observes that the Federal Government has forced a janitor's wages up 25 percent from $1 to $1.25 per hour. If he does not demand a 25-percent wage increase, which in his case would be $1, he at least will demand a 25-cent increase. In organized employment, the power of labor unions can virtually compel such a dollars and cents matching, if not some of the percentage differential. And when employment is high, as is currently the case in our economy, the restoration of differentials may occur even in the absence of union pressure.

Thus, we have a situation whereby wage rates in the economy are tied to someone else's minimum wage, rather than to the productivity of the individual worker.

This is exactly what happened in 1949, when the minimum wage was increased to 75 cents. A Department of Labor study released last year showed that wage differentials were almost completely restored. Undoubtedly this was a factor in the inflation which occurred during the years immediately following.

And in the 1956 minimum wage increase the Labor Department report showed that although there were many exceptions, the general tendency was for occupational wage differentials to be narrowed as an immediate effect of the minimum wage differentials and to be wholly or partially restored subsequently.

It is generally agreed that a minimum wage law is supposed to be a floor through which wages should not be allowed to drop, a device to relieve or prevent a distress situation. The Kennedy bill is a dangerous departure from this concept. To attempt to solve our economic welfare needs through a minimum wage law is just as foolish as trying to pull yourself up by your bootstraps. Congress, unfortunately, cannot abolish poverty by such a law. It may strike at symptoms but does not go to its roots.

This brings up my second point. Many small businesses not previously covered are going to find it difficult to meet the minimum wage, and those previously covered will find it economically impossible or inadvisable to pay the substantial increase suggested in the Kennedy bill. The result will be that either they will be forced to cut marginal producers out of their labor force, or they may be compelled to go out of business. Either way, the result is unemployment. And the unemployment will affect the very same people this bill is supposed to help—those with the lowest earning capacity.

The proponents of the bill argue that the increases can be taken care of through increases in productivity. The committee report argues that since our productivity has risen 15 percent since 1955, the initial 15-percent increase in the minimum wage to $1.15 is justified. This assumes that all covered workers increased their productivity by this amount. Actually, it only refers to production workers in manufacturing. Total nonagricultural employment shows only an 8.2-percent increase over the same period.

Even if the rate of minimum wage increases were no greater than the rate of productivity increases, this is still no justification for the Kennedy bill. I cannot subscribe to the theory that all of our increases in productivity should go to the workers themselves. Actually, a businessman must keep five different groups happy: First, the buyers of his product; second, his employees; third, his stockholders; fourth, the demand of his suppliers for adequate payment on request of materials and supplies; and fifth, the demands of government which considers a business something to be taxed and regulated. He must somehow strike a balance that will satisfy all five groups. If he fails to satisfy even one of the five, he is eventually out of business.

Those who desire to give all of our productivity increases to labor are doing so at the expense of these other groups. I am particularly concerned about the consumer, who has every right to a real share of the gains in productivity; and the only way the consumer can get them is through lower prices. In fact, in my opinion, this should have priority. Also neglected in this concept are those who furnish the capital, which is the very foundation of our technological progress and thus the increase in productivity itself. If we fail to provide the investment incentives necessary to furnish the investment funds, we may find all groups, including the workingman, hurt by a lower rate of productivity.

Even assuming that all of the productivity increase should go to the worker, it should be remembered that productivity figures are averages and do not reflect the variations in individual companies let alone the variations among workers. It is most likely that the marginal workers, who are receiving low wages, have a productivity which is well below the average. I was interested in Senator GOLDWATER'S presentation yesterday when he showed studies from two universities and quoted from eminent economists to the effect that productivity in the retail trades is considerably below that for the manufacturing and other trades in our society. Thus, to bring retailers under the minimum wage law on an economic defense based on productivity is unsound and could do great harm to business. There is no doubt that a wage increase can be justified for those workers who are producing increased output each year, but any arbitrary increase in the minimum wage law which will force up, by legislation, the wages of some workers who do not contribute a great deal to increased productivity will do great harm. It can cause such serious complications that the result will be to force a businessman to either cut down his labor force or to go out of business.

The consequences would be most harsh on whole families dependent on the added dollars that working wives and younger members bring in. Students would be deprived of needed experience. Older persons who work only to keep occupied or to supplement their income would be deprived of opportunities.

In this connection, consider also a statement in the Secretary of Labor's report of February 15, 1960, on the Fair Labor Standards Act. Commenting on the effects of the 1956 minimum wage increase to $1, the report states on page 1, part II:

> During the period of adjustment to the higher minimum, there were significant declines in employment in most of the low wage industry segments studied.

An example of how such a situation can arise is illustrated by what happened in a Kentucky clothing factory in 1933 when the NRA fixed a minimum wage of only 40 cents per hour before the Fair Labor Standards Act was passed in 1938. I obtained this example from a recent issue of Spotlight, in an article by Wilford I. King, nationally known economist and statistician, and past president of the American Statistical Association. Mr. King says:

> Many of the workers in this clothing factory were elderly women who were not capable of speedy action. They had been paid by the piece, and, in many cases, their earnings were less than 40 cents per hour. Competition in the clothing industry was so keen that the factory owner could not raise piece rates and still stay in business. He therefore was compelled to discharge many of these women. Some of them had worked for him for years. They begged him with tears in their eyes to keep them, as they were in dire need of the income. They told him that they had no complaints about the pay or the working conditions which they had enjoyed. He was obliged to respond that he could not stay in business if he paid them the 40 cents per hour required by law, and that, if he paid them less, he would be sent to jail. The women, not being able to find other employment, went on the relief rolls, suffered great mortification by so doing, and were transformed from self-supporting, self-respecting citizens into paupers depending for their livings upon largess furnished by the taxpayers.

Of course the general wage level is much higher today even for such workers. But in keeping with today's wage levels we must be careful with our minimum wage laws. Complete reliance on the altruistic policy of forcing up low level economic standards to the neglect of the economic standards outlined in the act may completely destroy both concepts.

My last point relates to our Federal-State relationships as established by the Constitution. Article X of the Constitution states that:

> The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

This bill is another move in a diversified program whose objective seems to be destroy the power of the States and concentrate power in the Federal Government. This sounds like an old story, but it is a very real one, and this proposal contributes to it very specifically.

For many generations, we have recognized the difference between interstate and intrastate commerce, and limited the activity of the Federal Government to the regulation of those businesses which were obviously interstate in nature. This bill, by the simple device of using dollar ceilings to determine coverage, completely destroys the old concept. Some industries will get exemption under this bill, but if the bill itself is adopted and the new principle of size rather than type of service is validated, then it will only be a question of time until the curtain will come down on the idea that there is any intrastate business. Everybody, regardless of size, will be under the domination of Federal regulations. It is that simple and that serious.

The present criterion for determining interstate employment is a direct one. It is based strictly on the activity of an individual employee, and if that individual employee is not producing goods or directly handling or transporting goods in interstate commerce he does not come under the law.

The administration bill attempts to set up an automatic standard, but in such a way as to preserve the interstate concept. In that bill, an inflow concept is used whereby new coverage is limited to businesses receiving more than $1 million per year of goods and supplies from other States and employing 100 or more persons.

The Kennedy bill, in using a dollar sales test, makes no reference at all to the inflow and outflow of goods. Once the interstate test is put on a dollar sales basis, though the current minimum proposed in the bill is quite high, it will be a simple matter gradually to reduce that minimum from $1 million—and $250,000 in the case of gasoline service stations, some laundries near State borders, and certain other establishments—to near zero, thus covering all of business. I think this is a dangerous step.

Mr. President, I have been in the Senate long enough to know that once we establish a pattern the pressure is constantly on this body to continue to reduce the limits. We in the Committee on Finance reported a bill containing changes in the social security law. A few years ago we wrote into the bill a provision that, in order to become beneficiaries under the social security system, men could not retire before they were 65 years of age, except for total and permanent disability, and we provided that women might have the choice of retiring at 62, if they took a reduced retirement benefit. Last week we took the logical step and said, "Well, if it is all right for women, why should we not permit the men to have the same privilege? We should let them retire at 62."

The same Senator who proposed that then proposed that the age retirement limit for women be lowered to 60.

Once we get on that treadmill, the pressure is always on to broaden the opportunities. Once we adopt the dollar sales criterion as the basis for determining coverage under the minimum wage law we shall go through our normal process and keep reducing it.

It should be noted that the Kennedy bill, in its preamble, would change the scope of the law from any activity in interstate commerce to any activity "affecting interstate commerce." The courts can give the broadcast possible interpretation to the phrase "affecting interstate commerce." In fact, the Kennedy bill assures such a broad interpretation by defining this phrase as any activity, business, or industry in commerce or necessary to commerce. I would say that is about as broad as one can get.

Thus, if a barber uses scissors which were manufactured in a neighboring State, under this definition his business could conceivably be considered "interstate commerce."

Obviously, this proposed legislation is the opening wedge of an effort to apply the minimum wage concept to all business activity, regardless of whether it is interstate or intrastate, and regardless of size. Placing under Federal control thousands of small business establishments which are primarily local in character would be a serious and unfortunate change in our traditional Federal-State system of government, and this worries me.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BENNETT. I am happy to yield.

Mr. RANDOLPH. I find myself on this side of the aisle momentarily.

I have listened with interest to my colleague. I believe I heard him use the term "regardless of size."

Mr. BENNETT. The Senator is correct.

Mr. RANDOLPH. Of course, the Senator from Utah realizes that no coverage would occur except with respect to a business institution doing a million dollars' worth of business a year or more.

Mr. BENNETT. I am afraid my colleague from West Virginia did not come in soon enough.

Mr. RANDOLPH. I am sorry.

Mr. BENNETT. I had explained earlier that was the present limitation, and the limitation in the bill, but I expressed my conviction, based upon the experience I have had in the Senate, that if this criterion were to be adopted the next move would be to cut the limit further. When I say "regardless of size," I am assuming that this might be the ultimate effect of the decision to change our criterion from the nature of the business to the dollar size of the business.

Mr. RANDOLPH. I appreciate the explanation of my colleague. I did understand exactly what he had said. When I heard "regardless of size," I thought those words stood on their own, and there is a definite limitation in the bill.

Mr. BENNETT. The Senator from Utah understands that, but he is pointing to what he thinks will be the ultimate effect down the long road.

Mr. RANDOLPH. I thank my friend.

Mr. CASE of South Dakota. Mr. President, will the Senator yield?

Mr. BENNETT. I will be happy to yield.

Mr. CASE of South Dakota. If the regulation of hours or wages is to be looked at from the standpoint of the individual who is to receive them, and if consideration is to be on the basis of what the individual is entitled to as a human being, why should we bring in the question of size?

Mr. BENNETT. I agree. I personally feel that the nature of the business is more vital to the basic concept of our relationship.

Mr. CASE of South Dakota. I raise this question because the other day I happened to be talking with an automobile dealer in a city in South Dakota. Knowing that the Senator from Utah [Mr. BENNETT] is an automobile dealer, I raise this question.

In speaking of automobiles, we deal with a unit of business that rapidly runs into a great many dollars.

Mr. BENNETT. The Senator is correct.

Mr. CASE of South Dakota. I have felt that it was necessary and essential to the automobile business that an adequate service department be maintained. The automobile dealers said that increasingly they faced competition from services performed by small filling stations, which would add an employee or two and take over a great deal of the minor servicing, at least, and under a strict dollar division as the dividing line between the application of the law and the nonapplication, they found themselves in a discriminatory competition. A great deal of the bread and butter servicing was being taken over by the filling stations or by small garages which did not have the dollar volume to bring them under the law, but because they sold automobiles and were dealing in a large dollar volume, they found themselves coming under the law. So they felt it resulted in discriminatory and unfair competition.

I should be glad to have the comment of the Senator on that subject, particularly in view of the fact that he knows the automobile industry as few men in the Senate know it.

Mr. BENNETT. Having been in the automobile business for 20 years, I can remember many occasions in which an excellent mechanic, having an established friendship with many fine people, decided that he could earn more repairing their cars in a garage in the back of his lot than he could with the dealer. He pulled out of the organized dealership, moved into his own garage, and went to work.

Some of them have succeeded; many of them have not. In the meantime such persons have created exactly the situation which the Senator from South Dakota describes.

They put themselves in the position to render an identical service at a much cheaper price and free of the limitations of a law such as the one placed on his former employer.

Mr. CASE of South Dakota. And he could probably have one or two additional employees if he wanted to and still stay under the dollar exemption?

Mr. BENNETT. I could give the Senator from South Dakota a better example from my business experience in another business with which I have been connected for 40 years. We have a glass and paint business in Salt Lake City. When we started in that business 40 years ago we maintained a service to the

retail customers of fixing windows. We sent a glazier out to repair windows. But our glaziers discovered that they could undersell us if they did not have any overhead, and so now in Salt Lake City none of the large glass dealers do any of that kind of glazing. The work has been taken over completely by our former employees and those of our competitors.

Mr. CASE of South Dakota. That is a striking example, but in the paint business perhaps a proprietor can eliminate the glazing business and still maintain a good service. It would be difficult for an automobile dealer who sells an automobile not to be in a position to provide the parts and repairs.

Mr. BENNETT. That is true, but it has had the effect with those of us who began in the business of forcing us out of the business. We could not compete. There are many reasons, of which this is only one. This is a very real problem for the automobile dealers. And there are other factors involved in the Kennedy bill which could affect them. One that comes to mind immediately is the overtime problem. But the general observation is true that if we put a size criterion on the bill, we encourage people to get out from under that criterion in one way or another.

Mr. CASE of South Dakota. Another aspect of the problem that was presented to me was that a man comes in with his automobile. The mechanic who works on that automobile ought to finish the job. It is a bit difficult. Certainly there is some lost motion, some lost time, and some lost efficiency when a mechanic who starts a brake job or an overhauling job on an automobile, for example, quits when his 40 hours are up and somebody else takes over his job to finish. At the same time, most of the mechanics who work on such jobs are paid a wage well above the minimum.

Mr. BENNETT. There is no question of minimum wages involved in that. That is one very real problem. It is so near my own experience I decided that it might be improper for me to discuss that subject as a part of my prepared statement.

Senator George Sutherland, of Utah, was appointed to the Supreme Court. In 1910, before he was appointed to the Court, and while he was still a Senator, he made this statement:

> While maintaining the power of the general government to adequately meet and deal with every external situation which affects the general welfare of the United States, it is no less essential to maintain the supreme power of the State governments to deal with every question which affects only the domestic welfare of the several States.

And Leonard D. White in his book "The States and the Nation" observed:

> If present trends continue for another quarter century, the States may be left hollow shells, operating primarily as the field districts of Federal Departments and dependent upon the Federal Treasury for their support.

If any of my colleagues have any doubt that the States are meeting the minimum wage problem within their own borders I refer them to page 16222 of last Thursday's RECORD where a table was inserted in the RECORD by the junior Senator from Arizona [Mr. GOLDWATER] showing that 28 States, including my own State of Utah, have adopted minimum wage laws since World War II. A 29th State, Arkansas adopted the first minimum wage law in 1915. Five of these States enacted their first laws within the past 3 years, and most of the States have revised their laws in that same period. Who knows their own local employment situation better than the States themselves? I hope the Federal Government does not try to assume control over these strictly intrastate concerns.

In the genuine interest of marginal and low income workers and in the interest of our free enterprise system I urge the rejection of the Kennedy bill.

ORDER FOR RECESS UNTIL 10 A.M. TOMORROW

Mr. JOHNSON of Texas. Mr. President, I ask unanimous consent that when the Senate concludes its deliberations today it stand in recess until 10 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JOHNSON of Texas. I understand, Mr. President, the time this evening will not be divided. We shall keep the Senate in session as long as any Senator desires to address the Senate, but then I ask that the motion be made to recess in accordance with the order just entered.

NEEDED: A MARSHALL PLAN FOR THE AMERICAS

Mr. YARBOROUGH. Mr. President, all of us are deeply aware of the multitude of pressing problems which should and must be resolved before Congress concludes its work this session. But of all the matters before us today, one of the most important is meeting the need for a Marshall plan for the Americas.

It is regrettable that such a plan was not instituted several years ago—advanced in the same spirit of human decency and "help for self-help" in which the Marshall plan was used to rehabilitate war-torn Europe.

We should have launched, voluntarily, such a program as Americans concerned about the plight of their neighbors; now, due to the administration mishandling of the Cuban situation, we find ourselves virtually forced to begin a Marshall plan for the Americas.

Our trouble in Cuba today stems not only from the hostility and bad judgment of Castro, but from the Republican administration's incredible brand of drift diplomacy. Given rope, Castro will surely hang himself, but it is up to us to correct our mistakes in the field of foreign policy, and particularly our lack of knowledge of our American neighbors.

The more we know about the Americas, the better we will get along with our neighbors to the South. The higher their prosperity, the better our joint solidarity.

Prompt establishment of a Marshall plan for the Americas is a basic step in the right direction. I ask unanimous consent to have printed in the body of the RECORD an excellent editorial on the subject from the Monday, August 15, issue of the Washington Post entitled, "Chance for the Hemisphere."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CHANCE FOR THE HEMISPHERE

A rare opportunity to lend eloquence to the voice of America will soon be before Congress in the form of the administration's new aid proposals for the hemisphere. That opportunity lies in creation of the framework for a help-for-self-help program that can provide something beyond uncoordinated dabs and expressions of alarmed concern for the economic problems faced by the American Republics.

The proposals for a $600 million authorization, it is true, are vague to the point of despair. They bear the earmarks of a hasty effort to give the appearance of doing something without thinking the problem through or spending any money now. Nevertheless, the vagueness ought not to blind Congress to the immensity of the challenge in Latin America or to the psychological importance of enlisting the cooperation of the American Republics themselves in the planning stage.

Senator MANSFIELD has given a hard-hitting start to the debate. In his speech last week on Latin America the Montana Democrat quite rightly took account of past failures. His comments on Cuba, reprinted elsewhere on this page, set a standard of calmness and sobriety. But if Mr. MANSFIELD resisted the temptation of twisting Dr. Castro's beard in order to get attention, he succumbed to negativism on the urgency of a new cooperative aid effort.

The plain fact is that the United States cannot afford to postpone a fresh start on Latin American policy. Up and down the hemisphere this country is on the defensive. Our friends are disheartened about our seeming inability to get going—particularly by contrast with the fervid dynamism that Cuba is seeking to export.

The President has pledged a massive, cooperative aid program for the American Republics. Our negibhors are awaiting further details at the September economic conference in Bogotá. To go to the meeting emptyhanded would involve not only a loss of face, but also a grevious loss of initiative.

What can Congress do to give a vigorous push? One simple phrase has a good deal of magic in Latin America, and it is too bad that administration officials have shied from using it. The phrase is "Marshall plan."

It is important to recall that the key to the plan's success was the superb integrating function performed by the Organization for European Economic Cooperation. Each recipient country was represented in the OEEC, and in addition to providing a pattern for reconstruction, the OEEC helped to lay the groundwork for subsequent supranational authorities. The effect was far more significant than a mere input of dollars. The cooperative effort stimulated an enormous expansion of private economies.

Could not the Latin Americans be invited, as a first step, to form a counterpart to the OEEC? Plans for this are already under discussion, and emphatic congressional backing might assure the Bogotá meeting of success. The formation of a Latin American OEEC would go far to meet Senator MANSFIELD'S objections, which are sound in themselves, of the lack of integration in the grab bag of existing programs.

Although Latin America lags behind Europe in technology, a greater political, cultural, and linguistic unity prevails. The existence of a flourishing Organization of American States provides a foundation of

experience for further multilateral action. Common market negotiations are already under way in Central and South America.

Rather than find reasons to delay action at this time, Congress ought to examine the reality of the U.S. position in the hemisphere. Both party platforms stress the need for a new approach, and the presidential nominees are in agreement in urging a more vigorous hemisphere policy. This conviction ought to find expression in a resolution pledging bipartisan support for a program in the tradition of the Marshall plan.

New challenges require new instruments. Latin Americans have repeatedly talked about the need for a Marshall plan for the Americas. The first move ought to be to outline a cooperative venture in which all neighboring republics can pool their resources for a head-on attack against squalor and stagnation. Congress has an opportunity—and a responsibility—to help arrest the drift and set in motion a policy of action.

RESOLUTIONS OF SOUTH DAKOTA DEPARTMENT OF VETERANS OF FOREIGN WARS

Mr. MUNDT. Mr. President, the South Dakota Department of the Veterans of Foreign Wars, at its recent department convention in Aberdeen, adopted a number of important resolutions.

I deem it a high privilege to be able to call to the attention of my colleagues these resolutions and request permission to have them included in the RECORD at this point.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS OF SOUTH DAKOTA DEPARTMENT OF VETERANS OF FOREIGN WARS

RESOLUTION 1, TO ESTABLISH A PENSION PROGRAM SPECIFICALLY FOR WORLD WAR I VETERANS

Whereas the majority of World War I veterans are not and will not be in a position to enjoy maximum benefits under the Social Security Act, or public or private retirement systems, and during many of their productive years the country was in a general depression with attendant unemployment and low wage rates; and

Whereas the Veterans of Foreign Wars of the United States has, for many years, urged the Congress of the United States to enact legislation providing a separate and more liberal pension program for World War I veterans, which would be a fully justified and sensible solution of the increasing problems of World War I veterans resulting from disabilities and age; and

Whereas the Congress of the United States apparently has not considered favorably any proposal to substantially liberalize the pension program for the entire group of 22 million veterans, but may approve a more liberal program for the obvious greater needs of the World War I veteran group of less than 2,700,000 veterans; and

Whereas the increased cost of living justifies increased pension payments and increased income limitations: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we continue to rightfully and aggressively seek from the Congress of the United States a more liberal pension program for World War I veterans, based on reasonable disability, income and age criteria.

RESOLUTION 2, NAVY DISCHARGE REVIEW BOARD

Whereas the findings of the Navy Discharge Review Board are subject to approval by the Secretary of the Navy; and

Whereas the Secretary of the Navy, through his subordinates, has set aside many favorable recommendations made by the Navy Discharge Review Board; and

Whereas the Secretary of the Army has delegated authority for final approval of the findings of the Army Discharge Review Board to the President of that Board; and

Whereas the Secretary of the Air Force, for all intents and purposes, delegated authority for final approval of the findings of the Air Force Discharge Review Board to the President of that Board: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That the Secretary of Defense be requested to investigate the policies and procedures of the Navy Discharge Review Board and direct the Secretary of the Navy to promulgate and implement regulations consistent with those of the Departments of the Army and Air Force pertaining to final approval of findings of Discharge Review Board.

RESOLUTION 4, OBSERVANCE OF VETERANS DAY

Whereas Armistice Day, November 11, was redesignated as Veterans Day in 1954, by the President of the United States, in honor of the veterans of all wars; and

Whereas Veterans Day in the past has been marred by public apathy in its observance; and

Whereas certain businesses have remained open for business purposes; and

Whereas Veterans Day is entitled to the same observance as all other national holidays: Now, therefore, be it

Resolved, That the Veterans of Foreign Wars demand that proper observance of Veterans Day be had, and that we encourage the National Chamber of Commerce and each local chamber of commerce to call upon their members to remain closed during the day the same as for all other national holidays; be it further

Resolved, That the Veterans of Foreign Wars take such steps that are necessary to observe Veterans Day; be it further

Resolved, That the above resolution be presented to the next national convention through the proper channels; be it further

Resolved, That each department secure ratification of Veterans Day as a national holiday in those States which as yet have failed to ratify the same.

RESOLUTION 5, OPPOSING THE CARRIER-CONDITIONAL APPOINTMENT SYSTEM IN THE FEDERAL CIVIL SERVICE

Whereas the U.S. Civil Service Commission, by the adoption of a new regulation, established a career and career-conditional appointment system; and

Whereas all appointees in the classified civil service system must now serve a period of 3 years before they become eligible for career permanent status; and

Whereas, previous to this new regulation, a veteran preference eligible and other appointees were only required to serve a 1-year probationary period; and

Whereas, the present career-conditional appointment system used by the Civil Service Commission is believed to be a violation of the intent, purpose and provisions of the Veterans Preference Act of 1944, as amended: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That the National Legislative Service urge the issuance of an Executive order which will amend the career-conditional appointment system to require that a veteran preference employee need only to serve a satisfactory probationary period of 1 year before being eligible for permanent career status; and be it further

Resolved, That in the event it is not possible to secure the aforesaid Executive order, the National Legislative Service seek legislation which would accomplish the purpose of this resolution by amending the Veterans Preference Act of 1944 to require that veteran preference eligibles serve only 1 year probationary period and then acquire permanent career status.

RESOLUTION 6, VETERAN HOME LOAN PROGRAM

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we recommend approval of the following:

1. Extension of World War II loan guarantee and direct loan program.

2. Opposition to increase in the present 5.25 percent interest rate for VA direct and guaranteed loans.

3. In progressive disability cases, the VA should be granted authority to anticipate loss of use of lower extremities to facilitate timely approval of grants for specially adapted housing.

4. Oppose any consolidation of home loan guarantee service rendered in regional or district offices.

RESOLUTION 7, GOVERNMENT INSURANCE PROGRAM

Be it resolved, by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the following recommendations by administrative changes or legislation, as applicable.

1. Authorization for veterans of World War II and Korea with service on and after October 8, 1940, to September 2, 1945, and from June 27, 1950, to January 31, 1955, uninsurable because of service-connected disabilities, to purchase nonparticipating life insurance under section 722(a), title 38, United States Code, for a period of not less than 1 year from the effective date of amendatory legislation.

2. Authorization for World War II and Korean veterans to apply for new national service life insurance policies for a period of not less than 1 year after the date of approval of such legislation.

3. Proration of dividends when insurance becomes a claim, if necessary to maintain the insurance in force.

4. Reinstatement privileges under national service life insurance policies permitting waiver of good health requirements if the only bar to good health is service-connected disabilities and application for reinstatement is submitted within 2 years from date of lapse, as now permitted under U.S. Government life insurance policies.

5. Statutory authorization for waiver of service-connected disabilities for the purpose of reinstating H or RH policies.

6. Extension of the time limitation for applying for RH insurance to 1 year from date of restoration to competency or the appointment of a guardian, whichever is earlier, in any case in which a veteran entitled to RH insurance became incompetent from nonservice-connected disability within 1 year from the date of the VA award granting service connection.

7. Waiver of service-connected disabilities to permit the granting of total disability income provision on national service life inservice connection.

8. Authorization for exchange of NSLI policies for insurance on a new modified life plan which shall be automatically reduced by one-half of the face value thereof at age 65.

9. Continuing strong opposition to any proposal to separate the present veterans insurance program from the Veterans' Administration by the establishment of a separate insurance corporation or otherwise.

RESOLUTION 8, WAIVERS AND FORFEITURES

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the

following recommendations, by legislation or administrative changes, as applicable:

1. Section 3102, title 38, United States Code, be amended to read as follows:

"There shall be no recovery of overpayments of any benefits (except servicemen's indemnity) under any of the laws administered by the Veterans' Administration from any person who in the judgment of the Administrator is without fault on his part or where in the judgment of the Administrator such recovery would defeat the purpose of benefits otherwise authorized, or would be against equity and good conscience."

2. Veterans' Administration regulations concerning section 3102, title 38, United States Code, should be more liberal in defining the word "fault." The Veterans' Administration does not classify the degree of fault as "gross", "slight," and "very slight." If there is fault on the part of the claimant, the degree of fault should be determined, and if it is less than gross fault, the overpayment should be waived.

3. If an overpayment was created by error on the part of the Veterans' Administration, the overpayment, within reasonable monetary limitations to be established, should be automatically waived.

4. The Veterans' Administration should be granted authority to compromise indebtedness regardless of fault where there is demonstrated inability to pay or payment would create hardship.

5. Legislation should be enacted directing a review of all past forfeiture cases based on fraud under reasonable statutory criteria.

6. Authority to pay disability compensation forfeited for fraud to the veteran's wife, child or parents, if they did not participate in the fraud, should be reinstated.

RESOLUTION 9, PENSION PROGRAM

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we recommend approval of the following:

1. Pension rates and income limitations should be increased.

2. Provisions of the Veterans Pension Act of 1959 which require consideration of the veteran's net worth and his spouse's income should be repealed.

3. In defining income for pension purposes, social security, railroad retirement, and all other private and public retirement or pension payments should be excluded.

4. Employment, including management of one's own farm or business, at less than half the usual hours or less than half the usual remuneration, or permanent employment at less than minimum wage required by Federal law, should not be considered to be "substantially gainful employment" for pension purposes if the inability to secure or retain better employment is due to disability.

5. Laws administered by the VA should classify participation in campaigns and expeditions involving hostilities as wartime service for pension purposes.

6. Totally disabling active pulmonary tuberculosis should be considered to be permanent for pension purposes, commencing with date of hospital admission by reason thereon, and such permanent and total disability should be considered to exist until it is clearly established that the veteran has regained ability to follow a substantially gainful occupation.

7. The full amount of pension withheld from a veteran during incarceration in a penal institution should be subject to apportionment on behalf of his dependents (including parents).

RESOLUTION 10, COMPENSATION PROGRAM

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the following recommendations by administrative changes or legislation, as applicable:

1. Compensation rates, especially for severely disabled veterans, should be increased.

2. Compensation rates for disability incurred in combat should be 20 percent higher than regular wartime rates.

3. Campaigns and expeditions involving hostilities should be classified as wartime service for benefit purposes.

4. Service connection in effect for a period of 10 years or longer should not be severed unless originally granted on fraudulent evidence or on the service records of another individual.

5. Psychoses not attributable to willful misconduct should be presumed to be service connected when manifestations thereof were evidenced within 3 years following active duty involving combat experience.

6. Insidious diseases of obscure origin, such as progressive muscular atrophy, should be included in the presumptive period applicable to multiple sclerosis.

7. In the absence of certification by the service department of "not in line of duty" the Veterans' Administration should not adversely determine the question of line of duty, if applicable, particularly in death claims, as the deceased cannot defend himself and the facts which were in his possession, if known, would probably warrant favorable determination.

8. Eligibility to dependency and indemnity compensation should not be precluded in any case because Government life insurance was in force at time of death by waiver of premiums under section 724, title 38, United States Code (formerly sec. 622, NSLI Act).

9. Death compensation rates should be increased to amounts intermediate between the present rates and the higher DIC rates.

10. Death compensation rates should be authorized in any case in which the veteran was permanently disabled by reason of a service-connected disability rated 40 percent or more in severity at time of death.

11. Receipt of lump sum readjustment pay under the provisions of section 265, Armed Forces Reserve Act of 1952, should not bar entitlement to disability compensation based on the same period of service subject to recoupment on the same basis as disability severance pay.

RESOLUTION 11, VETERANS' ADMINISTRATION HOSPITAL AND MEDICAL PROGRAM

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the following recommendations by administrative changes or legislation, as applicable:

1. Veterans of combat and wartime overseas should be accorded distinct priority, by statute if necessary, for admission to VA hospitals for required treatment of any disability.

2. Eligibility of veterans of campaign and expeditionary service for VA hospitalization and domiciliary care should be established by legislation.

3. Peacetime veterans should be authorized care in VA facilities or outpatient treatment for service-connected disabilities notwithstanding a current rating of less than 10 percent.

4. Outpatient treatment for necessary examinations prior to admission to a VA hospital and for treatment during the period of convalescence following release therefrom should be authorized in order to reduce the average length of hospital stay.

5. Outpatient treatment, including hometown care, should be authorized for all nonservice-connected war veterans in receipt of pension payments.

6. The VA should admit acutely ill veterans immediately and without equivocation in accordance with expressed policy.

7. The number of authorized VA hospital beds should be increased from 125,000 to not less than 130,000.

8. Additional VA hospitals sufficient to care for all eligible veterans should be authorized and expeditiously constructed, with special consideration accorded known areas of concentrated veteran population.

9. An adequate number of proper facilities for long-term care of aged, chronically ill, and financially distressed war veterans should be constructed adjacent to selected VA hospitals where adequate building areas and other facilities are available.

10. The Administrator of Veterans' Affairs should be required to annually report direct to the Congress the estimated number of hospital, long-term care, and domiciliary beds needed to provide necessary care for eligible veterans during the succeeding 5-year period.

11. Restrictive recommendations pertaining to hospitalization of veterans in Va facilities proposed by the American Medical Association or any other group should be vigorously opposed.

RESOLUTION 12, VOCATIONAL REHABILITATION AND EDUCATION

Be it resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we seek approval of the following recommendations by legislation:

1. Establishment of the vocational rehabilitation program as a permanent program for service-connected disabled veterans of wartime and peacetime service.

2. Extension of the July 28, 1960, final date for completion of all training under the vocational rehabilitation program for World War II disabled veterans.

3. Mandatory additional service connection for additional disability suffered as a result of complying with recommendations or instructions of a training officer or instructor or from carrying out any phase or detail of an approved training program under the provisions of chapter 31, title 38, United States Code or the prior acts, Public Law 16, 78th Congress, as amended, and Public Law 894, 81st Congress, as amended.

4. Increase of subsistence and training allowance rates under all vocational rehabilitation and education and training programs administered by the VA.

5. Increase of the $310 per month income ceiling applicable to certain training programs under the provisions of chapter 33, title 38, United States Code.

6. Extension of war orphans educational assistance benefits to surviving children of veterans who died as a result (cause or contributory cause) of disease or injury incurred in or aggravated during a period of military service recognized as wartime service for compensation purposes.

7. Extension of war orphans educational assistance benefits to children of veterans who are totally and permanently disabled because of service-connected disabilities incurred during or aggravated by military service recognized as wartime service for compensation purposes.

8. Authorize training until attainment of age 25 under the war orphans educational assistance program (ch. 35, title 38, United States Code) in cases in which existing law precludes payment of benefits beyond a beneficiary's 23d birthday.

RESOLUTION 13, EQUALIZATION OF ARMED FORCES RETIREMENT PAY

Whereas the military pay bill, Public Law 85–422, effective June 1, 1958, established a new military pay scale and authorized only a 6-percent cost-of-living increase to those already retired; and

Whereas in the past, persons retired prior to the effective date of any military pay act

have had their retired pay recomputed upon the new military pay rate: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That the National Legislative Service of the Veterans of Foreign Wars of the United States support legislation to correct this inequity.

RESOLUTION 14, OPPOSING THE DEPARTMENT OF DEFENSE TECHNICIAN PROGRAMS

Whereas the U.S. Air Force has instituted and is operating an Air Reserve technician plan; and

Whereas the U.S. Army is instituting an Army Reserve plan; and

Whereas, the Civil Service Commission has agreed to these plans notwithstanding the opposition by service organizations; and

Whereas these plans violate the Veterans Preference Act of 1944, as amended, and discriminate against disabled veterans and all veterans who do not meet the age requirements for the Reserve programs; and

Whereas, the military rules, regulations, and qualifications supersede the regular Federal civilian employment rules, regulations, and qualifications: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That the national rehabilitation service seek withdrawal of the "Air Force technician plan" and firmly oppose the enactment of any further similar agreements between the Department of Defense and the Civil Service Commission.

RESOLUTION 15, ENDORSING ROTC TRAINING IN AMERICAN COLLEGES AND UNIVERSITIES

Whereas approximately 100,000 young men receive basic military training annually in ROTC units in U.S. colleges and universities; and

Whereas the armed services depend upon ROTC graduates for a substantial number of their commissioned personnel; and

Whereas the Veterans of Foreign Wars of the United States has consistently recommended some system of national security training to enable American youth to adequately participate in the defense of our nation; and

Whereas there are 94 land grant educational institutions which owe their existence, in large part, to the Federal Government; and

Whereas physical training, discipline, and the obligations of citizenship are as much a part of education as many other subjects: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That American colleges and universities, and the Armed Forces, be encouraged to inaugurate or expand ROTC programs and that where such programs are already in operation every qualified male student attending such colleges or universities be required to participate in ROTC basic training as one of the requirements for obtaining a degree.

RESOLUTION 16, NATIONAL DEFENSE

Whereas the Veterans of Foreign Wars of the United States has for many years urged the Congress of the United States to enact legislation to provide for a strong national defense force; and

Whereas world conditions and the Communist threat are still a menace to the security of our Nation and the free world: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That—

1. We continue a full combat-ready Marine Corps with the appropriation of sufficient funds to maintain a strength of at least 175,000.

2. The Department of the Army be maintained at a minimum of not less than 870,000.

3. The U.S. Navy be maintained as the strongest and most versatile naval force in history by continuing to modernize the Navy by replacing World War II vessels, by supporting a program of building an adequate number of submarines for the successful defense of the United States and the free world against the growing Soviet submarine force.

4. We urge Congress to appropriate sufficient funds to maintain a strength of the National Guard at 400,000 and 300,000 for Army Reserve.

5. We maintain a strong air striking force and air defense capable of meeting any threat to the security of this Nation.

6. We support a strong national civil defense program, including legislation which would provide for the continuity of our Federal Government in case of thermonuclear attack or other catastrophe.

7. We reaffirm our support of a strong, privately owned and operated American merchant marine as our fourth arm of defense.

8. We advocate continued development of atomic and hydrogen weapons and the necessary testing of such weapons to achieve and preserve world leadership. The successful development of an antimissile missile requires continued testing of missiles until such a defensive weapon is a reality.

9. We approve the control of inter-service space rivalry and urge the Secretary of Defense to exercise said controls with firmness and wisdom to prevent waste and duplication, but not to deny the individual services the right to exercise ingenuity and imagination in initiating and developing approved space projects. We further advocate a complete exchange between the various branches of the Armed Forces of information regarding offensive and defensive armaments and weapons.

RESOLUTION 17, FAVORING A STANDING VETERANS' COMMITTEE IN THE U.S. SENATE

Whereas the U.S. Senate does not have a standing Committee on Veterans' Affairs similar to the Veterans' Affairs Committee of the House of Representatives; and

Whereas it has long been a major objective of the Veterans of Foreign Wars of the United States to have such a committee established with jurisdiction and duties concerning veterans' affairs similar to the House Committee on Veterans' Affairs; and

Whereas the establishment of this committee would help produce more harmonious and beneficial relations between the U.S. Senate and all veterans and their families; and

Whereas the establishment of this committee would eliminate the charge that the Senate is failing to fully discharge its obligation to veterans, their widows and dependents; and

Whereas a special subcommittee of the Senate Rules and Administration Committee has recommended that a standing Veterans' Affairs Committee be created in the Senate; and

Whereas more than half of the U.S. Senators have indicated they will vote in favor of this recommendation when it is presented to the full Senate for consideration and vote: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That we petition the Members of the Senate to take the necessary action toward establishment of a standing Committee on Veterans' Affairs so that all veterans, their widows, and dependents will be fully represented in the U.S. Senate.

RESOLUTION 18, TO PROTECT THE SECURITY AND SOVEREIGNTY OF THE UNITED STATES

Whereas according to its congressionally bestowed charter, one of the major reasons for the formation of the Veterans of Foreign Wars was "to preserve and defend the United States from all her enemies, whomsoever"; and

Whereas Nikita Khrushchev, like the leaders of the world Communist movement who have preceded him, has openly threatened the United States and proclaimed the desire and intent of world communism to conquer the free nations of the world by all possible means, including violent overthrow of our Government; and

Whereas, certain subversive groups and movements and their adherents have not ceased their efforts to advance ideologies that would destroy the sovereignty of these United States: Now, therefore, be it

Resolved by the Department of South Dakota, Veterans of Foreign Wars of the United States, That—

1. We reaffirm our complete, unwavering opposition to communism in all its forms, both foreign and domestic, and will resist all Communist policies affecting the United States and all persons who support, defend, aid, and abet them.

2. We reaffirm our opposition to world government, such as Atlantic Union or any other scheme that has as its purpose the surrender of the sovereignty of the United States of America.

3. We strongly support a U.S. foreign policy designed to aid the liberation of the enslaved peoples of the world.

4. We oppose the admission of Red China to the United Nations, its recognition by the United States, and any trade with Red China.

5. We oppose any weakening of the basic security laws of this Nation, including the Internal Security Act, Communist Control Act, and the Smith Act.

6. We oppose any U.S. aid, military or financial, to Communist nations.

7. We endorse and recommend the continuation of the work of the Federal Bureau of Investigation, the Senate Internal Security Subcommittee, the House Committee on Un-American Activities and other Federal and State agencies charged wtih protecting the internal security of the United States.

8. We urge the renegotiation of the status-of-forces treaties to more clearly define the jurisdiction of criminal courts of foreign countries with respect to U.S. servicemen.

RESOLUTION 20, DEDUCTIONS FROM INCOME UNDER PUBLIC LAW 86–211

Whereas Public Law 86–211, the new pension law which becomes effective July 1, 1960, provides that the amount paid by the widow or child of a deceased veteran for his just debts, the cost of his last illness and the cost of his burial in excess of burial benefits paid by the Veterans' Administration may be deducted from the total of all income as that income of the widow or child is computed for pension purposes; and

Whereas benefits deriving to the widows and children of deceased veterans as a result of this provision might also derive to veteran applicants for pension under Public Law 86–211; and

Whereas entitlement of veterans to any benefit paid by the Veterans' Administration should at least equal that of widows and children of deceased veterans: Now, therefore, be it

Resolved, That the Department of South Dakota, Veterans of Foreign Wars of the United States, by this resolution, go on record as favoring the inclusion of the right of veterans making application for pension benefits under Public Law 86–211 to deduct the just debts of his deceased wife, the cost of her last illness and the cost of her

burial as he computes his income for pension purposes as a proposed change in Public Law 86-211; be it further

Resolved, That a copy of this resolution be transmitted, through channels, to the national headquarters of the Veterans of Foreign Wars of the United States, thence to the 61st national convention for proper consideration and appropriate action.

RESOLUTION 21, FAVORING ENACTMENT OF H.R. 9336, A BILL CONCERNING WORLD WAR I PENSIONS

Resolved, That it is the sense of this session that, meeting in regular session we place ourselves on record as favoring the enactment by Congress of H.R. 9336 which, among other things, favors a pension for those of the First World War; and be it further

Resolved, That we direct that copies of this resolution be forwarded to Honorables GEORGE C. MCGOVERN and E. Y. BERRY, Members of the House of Representatives, Washington, D.C., and the Honorables CARL E. MUNDT and FRANCIS CASE, Members of the U.S. Senate, from the State of South Dakota; and be it further

Resolved, That we ask of the four to use their good offices to have H.R. 9336 cleared from the House Veterans' Affairs Committee and placed upon the floor of the House so the Members may vote upon it; and be it further

Resolved, That we ask our Congressional Representatives, BERRY, MCGOVERN, MUNDT, and CASE to favor, by their vote, enactment of H.R. 9336.

RESOLUTION 22, CHANGING THE METHOD OF PAYMENT OF FEDERAL AID TO THE STATE SOLDIERS' HOME

Whereas the State of South Dakota has a State soldiers' home; and

Whereas the Federal Government pays for part of the expense of operating the home through the payment of a sum of money each year to the State of South Dakota for each veteran residing in the home; and

Whereas the support of the veterans residing in the home is and should be a basic obligation of the Federal Government; and

Whereas a bill is now before the Congress of the United States to increase the amount paid by the Federal Government toward the support of the veterans residing in the home by increasing the payments from $700 per year per veteran to $2.50 per day per veteran; and

Whereas it is to the advantage of the State of South Dakota and the people thereof to have as much of the expense of the home as possible paid by the Federal Government; and

Whereas the bill, known as H.R. 10596, passed the House of Representatives on May 2, 1960; and

Whereas H.R. 10596 was read twice in the Senate on May 3, 1960, and referred to the Committee on Labor and Public Welfare: Now, therefore, be it

Resolved, That the Department of South Dakota, Veterans of Foreign Wars of the United States, go on record as favoring the passage of H.R. 10596 by the U.S. Senate before the close of this session of Congress; and be it further

Resolved, That we urge Senators KARL MUNDT and FRANCIS CASE to do all in their power to have H.R. 10596 favorably reported out to the Senate floor by the Committee on Labor and Public Welfare, and that we further urge them to vote in favor of H.R. 10596 when it is considered by the U.S. Senate.

RESOLUTION 24

Whereas the Congress of the United States and the respective sovereign States have provided that a full-functioning employment service be operated in the Nation for all workers seeking job placement and for employers in securing qualified workers; and

Whereas these agencies have the legal and moral responsibility of providing employment counseling services as well as the maximum of job opportunity to all veterans; and

Whereas experience has shown that only through an adequately financed and effective organization from local, State, and national offices can the objectives of this service be accomplished: Now, therefore, be it

Resolved by the Veterans of Foreign Wars, Department of South Dakota, in convention assembled at Aberdeen, S. Dak., this 13th day of June 1960, That we strongly advocate and urge the Congress of the United States to appropriate adequate funds to insure the continued operations of an effective State employment service as well as the veterans' employment service; that copies of this resolution be forthwith forwarded by department adjutant to each member of our congressional delegation.

RESOLUTION 26, EXPRESSING HOPE TO CUBA

Whereas elements of the Veterans of Foreign Wars of the United States, our comrades of the Spanish-American War, died or were wounded or became ill with tropical diseases to liberate the people of Cuba; and

Whereas the people of Cuba and the United States have enjoyed an uninterrupted and close friendship throughout our history; and

Whereas that friendship was further demonstrated in two World Wars during which Cubans and Americans fought and died side by side, and was strengthened through the years by numerous exchanges in all fields of endeavor; and

Whereas official relations between our two countries have become strained during recent months: Now, therefore, be it

Resolved, by the Department of South Dakota, in annual convention assembled, this 13th day of June 1960, That we shall continue to extend the hand of friendship on a people-to-people basis to our friends, the people of Cuba, with sympathy for their desire for progressive social changes and economic betterment, but with the hope that, having shed one form of tyranny, they not be enslaved by another.

RESOLUTION 29, NONVETERAN PATIENTS IN VETERANS' ADMINISTRATION HOSPITALS

Whereas the Congress of the United States has seen fit to authorize the construction, operation, and maintenance of a system of hospitals for the care and treatment of sick, disabled, and needy veterans of this country in several wars; and

Whereas the construction, operation, and maintenance of this system of hospitals at a size sufficient to meet the needs of all veterans who might be forced to ask for the care and treatment authorized for them by the Congress of the United States, has been down through the years, and presently is of vital concern to the Veterans of Foreign Wars of the United States; and

Whereas the Congress of the United States did delegate to the Veterans' Administration only the responsibility of the construction, operation, and maintenance of this system of hospitals, and

Whereas the Veterans' Administration has by central office directive of recent date, seen fit to authorize the care of nonveteran patients who are the direct responsibility of Government agencies other than the Veterans' Administration, and

Whereas this Veterans' Administration directive authorizes care and treatment far beyond that which true emergencies and humanitarian needs might call for: Now, therefore, be it

Resolved, That the Veterans of Foreign Wars of the United States take that action immediately necessary to effect the recision of any and all Veterans' Administration directives which permit the treatment of nonveteran patients in Veterans' Administration hospitals except for that treatment required to meet emergency and humanitarian needs; and be it further

Resolved, That, as new directives are prepared to permit this emergency and humanitarian treatment they shall be specific and restrictive in the definition of emergency and humanitarian needs to the end that no reasonable question can be raised as to their real meaning and intent.

WILLIAM J. RADIGAN,
Adjutant, Department of South Dakota VFW.

REPORT ON REVIEW OF CAPEHART HOUSING PROJECTS BY COMPTROLLER GENERAL—STATEMENT BY SENATOR BYRD OF VIRGINIA

Mr. BYRD of Virginia. Mr. President, the Comptroller General of the United States has submitted to me as chairman of the Joint Committee on Reduction of Nonessential Federal Expenditures a report on his review of so-called Capehart housing projects on or near 40 military installations.

I wish to compliment the Comptroller General, Hon. Joseph Campbell, and his General Accounting Office staff for the work they are doing in this matter. I hope it will be continued with vigor. The so-called Capehart program evades appropriation control, and without the Comptroller General's audit there is no independent expenditure review.

I have prepared a statement summarizing this report and commenting upon it. I ask unanimous consent to have this statement prepared by me printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR BYRD OF VIRGINIA

CAPEHART HOUSING AUDIT

The Comptroller General of the United States, Hon. Joseph Campbell, has advised me that completed audit reviews of Capehart housing projects at 40 military establishments in 13 States revealed waste, extravagance, inefficiency, and bad practice in at least 9 named categories.

I include a list of the 40 installations covered by the review.

(See exhibit 1.)

This is another in a series of audit reviews on military housing projects the Comptroller General undertook as the result of findings in an audit of a project at Fort Belvoir, Va., in 1959, which was made at my request.

So-called Capehart projects provide housing for military and related personnel on or near military installations. They are financed through private mortgages which are insured by the Federal Housing Administration and guaranteed by the military departments.

At the outset, in the present report, the Comptroller General found construction in excess of need. In 15 of the 40 installations he found 5,900 houses estimated to cost $147 million, including interest, were being built or programed in excess of actual or apparent need.

I include a list of the 15 installations where Capehart housing was found to be in excess of need.

(See exhibit 2.)

These houses in excess of need totaled more than 20 percent of the 26,000 Capehart units built or programed for the 40 installations, and I estimate the nonessential expenditures involved will run to $300 million including maintenance and upkeep costs over the life of the mortgages.

Under present law FHA is authorized to insure up to $2.3 billion in Capehart mortgages. As of April 11, 1960, $1.4 billion had

been committed, and more than 107,000 units in 278 projects were completed or under way.

The Comptroller General recommended to the Secretary of Defense that the military departments should reappraise the need for Capehart projects and "reduce or terminate projects which cannot reasonably be justified."

In the course of these audits the Comptroller General found recent defaults on FHA-insured mortgages for 300 civilian units following completion of Capehart projects in the areas. He estimated that "the losses on these properties will range from $540,000 to $1.2 million."

I include a list of the three localities where FHA-insured civilian housing units were found to be in default because of completion of Capehart projects.

(See exhibit 3.)

The report said the significance of Capehart housing on local economy cannot yet be determined, but it is evident that careful consideration must be given to its effect on existing housing in the community.

Urgent need was found in Hawaii for coordination of the Capehart housing programs of the three military departments. Lack of coordination was said to be a material factor in overbuilding on Oahu where units in excess of need totaled 1,700 at an estimated cost of $42 million.

The Comptroller General recommended that the Secretary of Defense establish a central authority in Hawaii to control military housing, and said there was reason to assume that the Hawaii situation could exist in other localities where there is more than one military activity.

The military departments have defeated the purpose of the congressional unit cost limits by making the high cost area maximum the standard for all units. In low cost areas costs have been increased up to the ceiling by adding nonessential luxuries such as prefabricated fireplaces, etc.

The Secretary of Defense was told that military departments should put more emphasis on economy; that controls should be established to assure adequate and desirable housing at minimum cost; and that compliance with the intent of the congressional cost limitation should be enforced.

The report said the Air Force and Army were guilty of circumventing the average per unit cost limitation of $16,500 by improperly using appropriations for costly facilities which should be included in project costs financed under the mortgage. The Comptroller General recommended that the Secretary of Defense stop the practice.

The Air Force was found to be building Capehart housing for officers at costs averaging 37 percent above amounts authorized for housing constructed with appropriated funds. The costs of these units were said to range from $21,000 to $38,000. A report on this matter was made to Congress.

Air Force and Navy were found failing in "several instances" to adjust prices when contractors substituted cheaper materials. The Comptroller General recommended to the Secretary of Defense that he obtain adjustments on the contractors' prices, and institute effective controls for the future.

The audits disclosed that the "military departments, the Air Force in particular, have been lax in proceeding against architect-engineers and construction contractors to recover costs incurred in correcting project deficiencies even though it is apparent that there is probable cause for action."

The Comptroller General estimated that costs amounting to $2 million will be borne by the Government to correct deficiencies at eight projects, and recommended to the Secretary of Defense that the military departments take action to recover these costs.

The review found with respect to housing that military installation personnel are not as well qualified to determine available and usable community support as are the specialists of FHA. The Comptroller General recommended transfer of this function to FHA.

In conclusion, the Comptroller General recommended to the Secretary of Defense that each military department review all proposed Capehart housing projects, in all of their pertinent aspects, to assure full conformity with the law and governing directives.

The Comptroller General said a copy of his report had been sent to the Department of Defense, and that the Assistant Secretary of Defense for Properties and Installations did not agree with his major findings. The Comptroller added that he had considered the Defense Department's comments and "found no reason to make any significant changes in the findings and conclusions in the report."

The report clearly shows waste, extravagance, inefficiency, and bad practice that will result in nonessential expenditures totaling hundreds of millions of dollars in the relatively small fraction of the whole Capehart program covered by these audits.

There are 26,000 units in the projects reviewed by the Comptroller. This represents less than 25 percent of the units under way as of April 11, 1960; and those under commitment at that time represent only about 60 percent of the total mortgage authorization.

Waste, inefficiency, and bad practice are characteristics generally found in mass housing production under federally insured mortgages. These audits show the situation in military projects where responsibility for determining need and other important elements of control are left largely with local post commanders.

I commend the Comptroller General for the work of the General Accounting Office in connection with this program. I hope it will be continued and not relaxed. This Capehart program evades appropriation control, and without the Comptroller General's audit there is no independent expenditure review.

EXHIBIT 1

LIST OF 40 INSTALLATIONS VISITED IN THE COURSE OF THE REVIEW

Boston defense area (seven locations).
Fort Bliss, Tex.
William Beaumont Hospital, Texas.
Fort Bragg, N.C.
Fort Jay, N.Y.
Fort Leonard Wood, Mo.
Fort Lewis, Wash.
Fort Ord, Calif.
Fort Polk, La.
Fort Riley, Kans.
Fort Shafter, Hawaii.
Medina Base, Tex.
Presidio, Calif.
Schofield Barracks, Hawaii.
Tripler Army Hospital, Hawaii.
Blytheville Air Force Base, Ark.
Charleston Air Force Base, S.C.
Dyess Air Force Base, Tex.
Fairchild Air Force Base, Wash.
Forbes Air Force Base, Kans.
Hanscom Field, Mass.
Hickam Air Force Base, Hawaii.
Kingsley Field, Oreg.
Laughlin Air Force Base, Tex.
McChord Air Force Base, Wash.
Seymour-Johnson Air Force Base, N.C.
Suffolk County Air Force Base, N.Y.
Travis Air Force Base, Calif.
U.S. Air Force Academy, Colo.
Vandenberg Air Force Base, Calif.
Westover Air Force Base, Mass.
Marine Corps Air Facility, Jacksonville, N.C.
Marine Corps Air Station, Cherry Point, N.C.
Marine Corps Air Station, Hawaii.
Marine Corps Auxiliary Air Station, Beaufort, S.C.
Naval Air Station, Hawaii.
Naval Ammunition Depot, Lualualei, Hawaii.
Naval Ammunition Depot, Manana, Hawaii.
Navy Auxiliary Air Station, Chase Field, Tex.
Pearl Harbor Naval Base, Hawaii.

EXHIBIT 2

LIST OF 15 INSTALLATIONS WHERE CAPEHART HOUSING WAS FOUND TO BE IN EXCESS

ARMY

Fort Bragg, N.C.
Fort Ord, Calif.
Fort Leonard Wood, Mo.
Fort Bliss, Tex.
Medina Base, Tex.
Fort Lewis, Wash.
Fort Shafter, Hawaii.
Schofield Barracks, Hawaii.

NAVY AND MARINE CORPS

Cherry Point, N.C.
Beaufort, S.C.
Chase Field, Tex.
Barbers Point, Hawaii.
Pearl Harbor, Hawaii.

AIR FORCE

Forbes Air Force Base, Kans.
Fairchild Air Force Base, Wash.

EXHIBIT 3

LIST OF THREE LOCALITIES WHERE FHA-INSURED CIVILIAN HOUSING UNITS WERE FOUND TO BE IN DEFAULT BECAUSE OF COMPLETION OF CAPEHART PROJECTS

Colorado Springs, Colo. (70 housing units).
Beaufort, S.C. (60 housing units).
Del Rio, Tex. (170 housing units).

HENRY CABOT LODGE: AMERICA'S ANSWER TO THE COMMUNIST CHALLENGE

Mr. HRUSKA. Mr. President, the August 8 edition of Newsweek magazine carried a cover story on Ambassador to the United Nations Henry Cabot Lodge, the Republican nominee for the Vice-Presidency.

This article, entitled "This Is Cabot Lodge," gives a very fair, colorful, and informative picture of Ambassador Lodge, both as a man and as a public servant. It points up his long and distinguished career at State, National, and international levels, and particularly notes his experience in dealing with the Communists on a day-to-day, all-issues, all-areas basis.

I ask unanimous consent that this interesting article about a great American be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THIS IS CABOT LODGE

Even on the jetliner winging west last week from New York to Chicago, almost keeping pace with the reddening glow of the sunset, Henry Cabot Lodge, Jr., was establishing the sort of figure he will cut during the coming campaign. Here was the U.S. Ambassador to the U.N., comfortably wedged back in an aisle seat, on his way to the Republican convention to accept his party's nomination for Vice President. Here was a man as pleased and relaxed as he could be. The Ambassador's coat was off.

Lodge—"Cabot" to his family and his close friends—plowed his way through the airline

meal-on-a-tray, all the time talking to reporters, signing autographs for other passengers, shaking hands, and in general behaving like a candidate on the go. Lodge is highly accomplished as a handshaking politician; he is at the same time far too much the American aristocrat to be a backslapper. Lodge is affable, but to him, most adult males he meets are "sir," from 21 to 90: "How are you, sir? Delighted to meet you, sir."

Lodge was a newspaperman himself once—as he is fond of recalling—so that he instantly understood a question that a reporter put to him in newspaper terms:

"Mr. Ambassador, the envelopes of clippings about you in our morgue begin in 1932 (when Lodge first ran for the Massachusetts Legislature), and all through the years, they identify you as 'Henry Cabot Lodge, Jr., politician,' until you get to the year 1953 (when President Eisenhower named Lodge chief of the U.S. mission to the U.N.). From then on, the envelopes identify you as 'Henry Cabot Lodge, Jr., diplomat.' Tell me, sir, how does it feel now to be going back to politician?"

Lodge laughed.

"I wouldn't give up my U.N. experience for anything in the world. But I must admit I like politics. I like campaigning. I like talking to people. After 8 years of talking to foreign diplomats about the problems that divide us, it will be a pleasure to talk to Americans about the problems that we share."

The first thing that strikes people when they meet Lodge is his physical attractiveness—more marked in person even than comes over television—and his enormous physical energy, both of which have been trademarks of his career ever since 1932.

Even today, at 58 and a grandfather eight times over (he has two sons, Henry and George; his newest grandchild—a grandson—was born almost as he was being nominated for the Vice-Presidency), Lodge is by all odds the handsomest of the candidates. A shade under 6 feet 3, Lodge exudes an aura of strength and physical toughness. In his younger days he was a superb horseman and sailor; he was captain of a Harvard crew; he does not smoke, and drinks very sparingly; through the years he has disciplined his body so that today he has apparently endless stamina.

In his younger days, Lodge was a lady-killer of the first water. Besides his physical attractiveness, Lodge comes from one of the very first families of Massachusetts. Whereas JACK KENNEDY is sprung of the powerful, self-made Boston Irish, Lodge is the eighth generation of Massachusetts Cabots (not so much Boston as Salem, Beverly, and Nahant) with the tradition of wealth that began early in the 18th century, first founded on the sailing ship empires of those days, enlivened with a touch of piracy on the high seas. Six of Lodge's ancestors were U.S. Senators, one a Secretary of State, one Secretary of the Navy, one a candidate for Vice President, one a Governor of Massachusetts.

Yet times have changed, and Lodge himself is the first to recognize it. He would be the last man on earth to mention his social background. (Among other things, with two centuries of New England ancestors, it would be gauche.) Lodge, in addition, went out of his way to indicate his personal friendliness with JACK KENNEDY.

"We get along very well, indeed," he said. "In fact, we're related, somehow. One of his cousins is related to a brother of one of my daughters-in-law." He grinned and went on: "I'm even grateful to JACK for 1952. (This was the year when Lodge, acting as President Eisenhower's campaign manager, lost his own Senate seat in an upset at the hands of JACK KENNEDY.) JACK himself has said that some political defeats are good for you. If he hadn't lost to ESTES KEFAUVER (for the Democratic vice-presidential nomination in 1956), he might not be running for President today. Well, if I hadn't lost to JACK, I never would have had 8 years at the U.N., and I might not be running for Vice President."

Lodge went on to mention one problem of KENNEDY's that he understands perfectly: Age. In 1936, running against the redoubtable James M. Curley (James Myself) for the U.S. Senate, Lodge himself was the target of "he's too young" tactics. Then 34, Lodge was "Little Boy Blue" to the Curley forces, but Lodge went on to upset James Myself.

Lodge laughed in recalling this.

"Never, never, during this campaign will I refer to JACK'S age," he promised. "I know just how he feels."

If times have changed so that a Massachusetts Lodge claims a Boston Kennedy for a friend, the times also have changed that see a Henry Cabot Lodge basing his entire political campaign on the American role on world affairs—for to anyone with even an amateur's acquaintance of U.S. history, the name Henry Cabot Lodge recalls Lodge's grandfather, the wily and sardonic U.S. Senator from 1893 to 1924, who killed the treaty that would have put the United States into the League of Nations (against even the protest of the conservative Elihu Root). Today's Lodge hardly thinks of the differences between himself and his grandfather, what he does remember are the things he learned from his grandfather.

Lodge's own father, the Boston poet, George Lodge—died when Lodge was only 7. Lodge remembers his grandfather's house on Massachusetts Avenue in Washington, where President Theodore Roosevelt was an almost daily visitor, coming in through a special door that had been cut to make it easier for him to walk directly into the library. Lodge still remembers the discussions of politics that went on then, and, most of all, two points that his grandfather made.

"An important maxim (in politics)," Lodge has written, "was 'don't be an amateur.'" And the second point: "Journalism," his grandfather said, "is at least the equal of the law as a training for political life."

So, bent on a career of politics, when Lodge got out of Harvard in 1924 (cum laude, after a 4-year course in 3 years), he worked for the old Boston Evening Transcript, moved on to the New York Herald Tribune, where he worked in Europe and the Far East, on the Washington staff, and as editorial writer until 1932. It was that year that Lodge entered politics. He won a seat in the Massachusetts Legislature from the 15th District, which includes Beverly—where even today Lodge maintains his permanent home, a magnificent mansion set directly on Massachusetts Bay. In 1936, Lodge went on to the U.S. Senate—to which he was twice reelected.

In World War II, two significant things happened to Lodge.

First, he changed from an isolationist to an internationalist. (He was the first U.S. Senator ever to resign his seat to go into combat; he saw action in the armored force both in North Africa and in Europe.) He came out of the war firmly convinced that the U.N.—shaky an instrument as it then might have been—represented the only real hope of eventual peace for the world. "The Lodge that came back from the war," he remarked himself, "was not the Lodge that went into it."

And second, in the early days of the war, he met Dwight D. Eisenhower. The two men took an instant liking to each other. It was this liking—and Lodge's conversion to internationalism—that brought Lodge to be one of the very first supporters of Eisenhower for President and made him one of Eisenhower's campaign managers in the months before the 1952 Republican Convention. This, too, may have contributed to his own loss of his Senate seat to JACK KENNEDY in the campaign—he spent almost as much time working for Eisenhower as he did campaigning for himself.

Directly after the election, however, Lodge embarked on the course that was to bring him to the Republican nomination for Vice President. Lodge had been convinced ever since the days of World War II that the Communist dictatorships represented the greatest threat to world peace, and directly after he took office as the U.S. representative to the U.N. he resolved, as he said, "to use that forum on behalf of my country so that the big truth would demolish the big lie of communism. I made it a rule always to speak on the day that the Communists speak so that never, so long as I am Ambassador, will a news story go out to the world which does not contain mention of the U.S. position."

As RICHARD NIXON very well recognized months ago, when it became apparent that the Democrats would make foreign policy a major issue in the campaign, Lodge's years in the U.N. have made him one of the Nation's outstanding figures in knowing how to deal with the Russians.

Lodge's role as escort officer for Nikita Khrushchev's U.S. tour and especially the U.N. affairs of recent months—the case of the microphone hidden in the U.S. Embassy seal in Moscow, the U–2 incident, the Cuba problem, the Congo riots, the RB–47 incident—all have brought Lodge into the homes of the television viewers of the Nation as the forceful, articulate spokesman of the American position vis-a-vis the Russians. It is true that delegates from some of America's strongest allies have complained that Lodge is sometimes more interested in racking up points for the American position than he is in substantive results, but there is no doubt that his U.N. appearances have made him—with the exception of the Secretary of State—America's best known diplomat.

What will Lodge do now?

* * * * *

The man Americans will see will be the epitome of the experienced diplomat—tall, distinguished, thoroughly in command of himself—presenting the Republican answer to the Democratic attacks on the conduct of foreign affairs. And, if need be, taking his coat off.

CHARGES OF GROSS WASTE BY THE DEPARTMENT OF DEFENSE

Mr. DOUGLAS. Mr. President, on yesterday my colleague, the junior Senator from Illinois [Mr. DIRKSEN], placed in the CONGRESSIONAL RECORD a rebuttal by the Department of Defense to the charges which I had made of gross waste in their procurement practices. It is to be found on pages 16443 to 16447.

I am sorry that their rebuttal was placed in the RECORD yesterday without my knowledge, for when they originally issued it on July 11, 1960, I made a rather thorough statement concerning it. It would have been better had my statement appeared immediately following their rebuttal in the RECORD and I would have placed my statement in the RECORD yesterday had I received notice.

I was deeply disappointed with the reply of the Defense Department. In the first place, they made no reply to my

charges that 86 percent of all contracts are negotiated, rather than bid for competitively; that 35 percent, or $14.3 billion, of supplies in the supply system inventory are excess or surplus; that some $60 billion of surplus supplies are to be sold over the next 3 to 4 years and that the Government receives an average of only 2 cents on the dollar of acquisition cost when it sells such surplus. In addition, they did not make any explanation concerning the 52 General Accounting Office reports of excessive prices which the military had paid in contracts in the last 2 years, which I placed in the RECORD at the time of my speech.

DEFENSE DEPARTMENT VOUCHERS SHOW EXCESSIVE PRICES

Second, it should be noted that before I gave my speech concerning gross waste in the Defense Department procurement system, I had in my possession the vouchers made out by the Defense Department itself concerning the 10 items which I used as examples of the more general charges. In each case, these invoices or vouchers, made out by the Defense Department, gave the acquisition cost of the items.

DEFENSE DEPARTMENT CONFIRMED PRICES

In addition to that, before I made my speech I had a staff man make further inquiries of the General Services Administration concerning these items. The General Services Administration inquired of the Defense Department about them, and the facts which I used were then substantially corroborated by the Defense Department itself.

Thus, before I made my speech and before I made these items public, I had two sets of documents: First, the invoices made out by the Department of Defense; and second, confirmation by the Department of Defense, through the General Services Administration, of the essential correctness of the facts.

It was only after I made my speech and made this information public that the Department of Defense claimed that I was in error or that their records were in error or that the information which was on their vouchers or which had been further confirmed by them was in error. I think it is very important to know this when one reads their rebuttal.

Furthermore, apart from their claim now that their own records and/or their own confirmation of the records were in error, they now try to claim that the items were highly specialized or of experimental design.

EXCUSE OF SPECIALIZED ITEMS ABSURD

Mr. President, the physical examination of these items shows just how absurd that claim is.

One of the items—the blower—for which they claim specialized or experimental design was, in fact, patented some 11 to 12 years before the item was procured. The patent documents state that the invention was of "general application," that it had a "wide range of application," that it was "inexpensive," and that the invention resulted in a "minimum size and cost for a given horsepower rating." So that defense does not stand examination.

In addition, on another four of the items, they merely claim that the overall contract was for an item of experimental or specialized design. When it comes to the items themselves, it is found that they were merely a part of the tooling for the contract, and examination indicates that there was nothing about them which could possibly have justified the excessive cost for them.

In addition, with respect to the cable headset, for which they paid $10.67, the General Accounting Office has now furnished me with a breakdown of the cost which the contractor charged and the Department of Defense paid for this item. It is nothing more than a cable of about 6 feet in length, with a jack at one end and a plug at the other. I have priced the same cable at 8 cents a foot if bought in quantity, or 13 cents a foot if bought in small amounts. The plug is worth 54 cents. The company says the jack is worth $2.77; but examination will show this price gives every appearance of being excessive.

EXCESSIVE CHARGES FOR OVERHEAD, HANDLING, ETC.

However, in order to "beef up" the price to $10.67 they are claiming that there should also be added $1.46 for labor, factory overhead of 124 percent or $1.81—which is certainly highly questionable—additional general and administrative costs of 10 percent or 73 cents, a profit of 10 percent or 81 cents, and packaging and handling of 20 percent or $1.80.

I may say, parenthetically, that one could put this item into a box and ship it across the country for 25 cents or 50 cents, at the most. But the fact is that the item was made in Maryland; it never left the plant; and it was physically disposed of at the plant. How they could add $1.80 for the packaging and handling of this item deserves some more detailed explanation. It certainly does not fit the facts.

Mr. President, I could take the time of the Senate to go further into each one of these items. I have already done so in detail; and, as I have said, before I made the prices of them public, I had both the invoices made out by the Defense Department and the Department's substantial confirmation of the facts.

I believe that there is no question about the gross waste involved.

CONGRESS CUT PROCUREMENT FUNDS BY $400 MILLION

Furthermore, the Congress thought so highly of these charges, as well as of the numerous investigations by various congressional committees and the General Accounting Office, that $400 million was cut from the procurement funds of the Defense Department. Inasmuch as I made my speech in connection with the Defense Department appropriation bill, in an effort to get the Senate and the House to accept the $400 million cut voted by the House committee, I think these charges and the various other charges of waste in the Defense Department have been fully vindicated.

What we had hoped that the Department would do was first, cut back on negotiated contracts, second, review their procurement methods, and third, get busy with the various mandates of Congress with respect to integrating the supply systems. But if they reply that no mistakes have been made, and that everything is just fine, then there is the very real danger that Congress must further curtail their expenditures in these areas and insist that the military carry out our mandate.

Personally, I shall continue to expose waste where it exists and make a constant review of their activities, to make certain that the military carry out the mandate of Congress and subordinate themselves to the civilian branch of the Government.

I ask unanimous consent that my statement of July 11 be printed at this point in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DOUGLAS CONCERNING DEFENSE DEPARTMENT REPLY TO HIS CHARGES OF GROSS WASTE IN PROCUREMENT AND SUPPLY PRACTICES OF THE MILITARY DEPARTMENTS

I am deeply disappointed that the administrative officials of the Department of Defense will not admit making a single mistake with respect to their procurement and supply practices but stubbornly defend their position. My purpose in speaking both generally about procurement and supply practices and in detailing certain specific examples was to try to eliminate wasteful practices in order to help strengthen our national defense and to provide needed combat troops, tanks, planes, guns, missiles, and space vehicles instead of excessive supplies bought at high prices. In my charges, I deliberately did not single out any individual or company in the hope that the Department of Defense might attempt to meet the problems of procurement, supply and surplus disposal in a constructive manner. I am disappointed that they apparently refuse to budge.

In the meantime, I have asked the General Accounting Office both to make a full investigation of the 10 specific items I detailed and to go into perhaps as many as 1,000 additional items. They have agreed to an investigation.

GENERAL REBUTTAL

The rebuttal of the charges I made takes several forms which, upon examination, are either absurd or raise even more serious charges than I made. These include:

1. They claim that on 7 of the 10 items, the prices they paid were not the prices which they gave in their own reports. If this is true (and I have evidence to contradict it), it is certainly an indictment of their entire accounting and supply system.

2. They claim that 7 of the 10 items were necessarily of "experimental or specialized design." This claim could not possibly stand the test of physical inspection of the items. In the case of four of these seven items, their own fact sheets do not substantiate the specific claim. Of the remaining three items, the contractor states that one would now cost half as much, another was patented 11 or 12 years before they say it was procured as an "experimental or specialized" item, and the contract for a further item was made under the loosest possible arrangement which made it almost inevitable that it would end up in the surplus junk pile.

It is clear from the evidence that the claim of "experimental or specialized items" is an attempt to excuse obvious procurement or supply mistakes.

3. One of the inferred defenses of the Department is that the items were old and hence do not reflect current practices.

Of the 9 out of 10 items on which they supply information, 7 of the 9 were procured as late as 1956–57, the price on another was set in 1958, and on another, the item was currently carried at the price I gave.

Seven of the ten items were physically located at the contractors' plants when declared surplus. Since this was recently, no argument of age can generally apply nor justify these practices.

4. Finally, the Defense Department did not even reply to the basic criticisms in my speech, namely, that 86 percent of all contracts are negotiated, that 35 percent or $14.3 billion of supplies in the supply system inventory are excess or surplus, that some $60 billion of surplus supplies are to be sold off, that the Government receives only an average of 2 cents on the dollar for these surpluses, and that the 52 General Accounting Office Reports—which I placed in the RECORD—put out in the last 2 years, and which show excessive prices for military contracts, indicate that the conditions I detailed are general in nature.

I shall now take up each of these points in more detail.

CLAIM THAT THEIR OWN PRICES WERE IN ERROR

They say to begin with that the prices I reported, even though taken from their own reports, were not the prices paid for 7 of the 10 items. They claim "clerical errors," "erroneous confirmation" of the prices by the Department of Defense to the General Services Administration or to me, or "estimates from the subcontractor" which were in error.

If true, this is a most damaging admission. It confirms what I charged in my speech, namely:

"In the examples I have brought here today, either the military has been taken in by the contractors or the military is charging off to the donable property program these useless and surplus items at costs which are fantastic and which are misleading."'

Furthermore, it can be of considerable advantage to the military to charge off items at excess prices, if this is in fact what actually happened, for under section 203, paragraph 1, subsection (j) of the Federal Property and Administrative Services Act of 1949, as amended, the Comptroller General has ruled that:

"Such authority to donate property necessarily includes the authority to adjust the accounting records of the Government to reflect the decrease in assets."

If the Department of Defense's and the individual service's own reports of the prices they paid are in error for 7 of the 10 items—as they claim but which I have evidence to contradict—this is an amazing indictment of their entire accounting and supply system.

CLAIM OF SPECIALIZED OR EXPERIMENTAL DESIGN

Their claim that seven of the items were necessarily of "experimental or specialized design" is ridiculous—as any examination of the items will readily show.

In the case of four of these seven items, their fact sheets do not substantiate the claim but merely argue that the overall contract was for a specialized or experimental contract or final item. Examination of the gage blocks, transfer punches, drill bushings, and locating plugs show that they are either very crudely and roughly milled scrap items or, at best (in the case of the bushings), items which required no minute tolerances or specialized design.

A $19,980 contract for six rocket sleds does not justify paying $10, $8.19, $9.65 and $11 apiece for what is essentially roughly milled junk.

Cable headset: Their justification for paying $10.67 for a cable headset as an item of experimental or specialized design is rebutted by the statement of the contractor which is found under item 1 of enclosure 3 of their own reply. It says:

"Current price, based on business from commercial sources, is about half."

The fact that commercial sources are using this "specialized and experimental item" and paying about half the cost would indicate that it is neither put to such special uses or worth as much as the rebuttal claims.

Blower: With respect to the blower, which was purchased in 1956, they again claim that the item was specialized or experimental. They say "smallness is the key," that it had "specialized characteristics," etc.

However, the blower is a patented item. The patent numbers appear on it. (Nos. 2,423,345; 2,483,024; 2,547,599). Although they state that the item was bought in 1956 as a "specialized" item, the applications for the patents were filed on February 9, 1944, March 3, 1945, and October 31, 1945—or 11 to 12 years before the item was procured by the Air Force as a specialized or experimental item.

The very first page of all three potent documents states:

"While the invention is of general application, it is especially adapted to fractional horsepower motors and generators having power outputs in the range up to one-half horsepower."

"Fractional horsepower motors have a wide range of application in industrial and domestic appliances."

In addition, on the first page of patent No. 2,423,345, this statement is found:

"It is an object of the present invention, therefore, to provide a new and improved alternating current dynamoelectric machine which is small, compact, inexpensive, and which avoids one or more of the abovementioned disadvantages of the arrangements of the prior art."

On patent No. 2,483,024, which is a patent for the method of manufacturing the motor, the following statement is to be found:

"It is another object of the invention to provide a new and improved method of manufacturing dynamoelectric machines by means of which there may be produced a machine having high performance characteristics while at the same time being simple and inexpensive in construction."

On patent No. 2,547,599, an improvement on the first patent, this statement is to be found:

"It is an object of the invention, therefore, to provide a new and improved * * * machine of improved and simplified construction resulting in a minimum size and cost for a given power rating."

Delay line: The final item for which the Defense Department claims "experimental or specialized design" is the delay line. The Department of Defense claims that it was made "specially to order for this contract."

The item was made by a sub-subcontractor. In my staff's interrogation of the prime contractor, it was established that notwithstanding the claim that it was made "specially to order," the sub-subcontractor was not required to meet either detailed written specifications or detailed performance specification in order to have his item accepted and paid for. Of the five delay lines purchased, at prices from $40 to $325, all five apparently ended up as surplus when at least four of them failed to meet the need for which they were made.

This item points up very sharply the abuses which have come from "negotiated contracts" and especially those with "subcontractors" about which the General Accounting Office has filed report after report.

SUMMARY

In summary, the claim of "specialized or experimental items" could in no way apply to four of the seven items for which such claim is made by the Defense Department. Of the remaining three, the contractor states that one would now cost half as much as was paid and is produced commercially, another was patented as a standard item 11 to 12 years before procured by the Air Force with claims under the patents that it had "general application" and that the object of the patent was to produce a "small," "compact," "simple," and "inexpensive" item, and the final item was made under the loosest type of contractual arrangement which almost made it inevitable that it would end up in the surplus junk pile.

It is clear from the evidence that the claim of "specialized or experimental items" is an attempt to play down obvious procurement blunders.

CLAIM OF AGE

While it is not generally stated, one of the inferred defenses of the Department is that the items were old, and hence current practices were not at fault.

Of the 10 items, they claim they have no knowledge of the circumstances surrounding the purchase or pricing of one (the small wrenches).

On one other item (the wrench sets) they claim it was purchased during World War II and that their records are now inadequate to establish the original purchase price. However, on that item the price was set at $29 in 1958 from the then current Teletype Corp., catalog price list of December 1957.

They also state that the Navy has bought 42 such tool kits in the period of 1957–59. The price for these they state was from 32 to 38 percent below list price, or from $17.98 to $19.72 per set. Any examination of this item will indicate that such current prices appear to be grossly excessive.

On one other item, the lamp socket, they claim no purchase since 1954. However, I have in my possession the Department of Defense excess personal property sheet dated October 26, 1958, which lists the lamp socket at $21.10. I also have a copy of the report of excess personal property dated September 30, 1958, giving the price of the item as $21.10. Further, the General Services Administration report, dated January 4, 1960, states that the item was then currently in the Navy standard stock catalog at a list price of $21.10. Finally, the same General Services Administration report, which the Department of Defense includes as a part of its own rebuttal, states that the item is "Carried today at NSD Great Lakes, at $21.10 each."

Since the Navy Department requires periodic reports on its stock status and prices, it seems strange that this item would have been carried on the books at such an outrageous price as late as 1960 if the item had not at some time been procured for that amount.

Of the remaining seven items, four of them were procured under a contract let in 1956 and the prices were established from "estimates of the subcontractor" when the contract was terminated in 1958. These were the gage blocks, transfer punches, drill bushings, and locating plugs.

The remaining items were purchased in 1956 and 1957.

Furthermore, 7 of the 10 items were physically located, at the time they were declared surplus, at the contractor's plants. Since they have only recently become surplus, no argument of age can generally apply, for renegotiation could still be applied.

A detailed analysis of these 10 items indicates quite clearly that no claim of age can justify these practices.

The following table gives information about the dates for the 10 items.

Dates of contracts, when prices were set, and remarks concerning 10 examples

Item	Date of contract, manufacture, or purchase	Date price set	Remarks
1. Cable headset	1957	1957	Declared surplus at plant. Picked up by State agency Apr. 3, 1959.
2. Wrench set	Army claims during World War II.	1958	Price established from catalog of Teletype Corp. dated December 1957.
3. Lamp socket	Various, 1947-54	Various	Carried at Naval Supply Depot, Great Lakes, in 1960 at $21.10.
4. Delay line	1957	1957	Declared surplus at plant. Picked up Nov. 17, 1958.
5. Blower	1956	1956	Do.
6. Gage blocks 7. Transfer punches 8. Drill bushings 9. Locating plugs	1956	1958	Declared surplus at plant. Price established on "estimates of contractor." Picked up Sept. 16, 1958.
10. Small wrenches	Defense Department says unknown.	Unknown	Item was delivered to surplus at the same time and on the same invoice as item 2. Price probably set by Army for National Security Agency at same date.

OTHER POINTS

Lamp socket: The Navy claims that the price of $21.10 for this item is a "clerical error." They now say that the price and stock number was for a complete lampholder assembly and not merely the "socket" itself.

I have in my possession no less than four official military documents relating to this item all of them dated within the past 2 years. On all of these documents the description of the item is for the lamp socket itself and not for some larger unit. On each the price is given as $21.10. Furthermore, the General Services Administration provided me with the information that a specific purchase by the Electric Supply Office of the Navy on purchase order NR 39282 for a quantity of 14 of these each at $21.15 was made under a negotiated contract with the Ford Instrument Co. This document is to be found as item 3 of enclosure 3 of the Defense Department's own rebuttal.

Even if this were a "clerical error," it was a very expensive "clerical error," for on the Department of Defense excess personal property report it is listed as a "reimbursable" item.

When this item was "excess" to the needs of the Navy a report was made to all other Government agencies to see if they could use the item before it was given away as surplus. However, as a reimbursable item, any using agency would be required to pay to the Navy either the listed acquisition cost of the item or its fair value as determined by the Navy. In this case the acquisition cost was given as $21.10 and the fair value at $7.39.

Because of these excessively high prices, obviously no other agency would pay $21.10 or $7.39 from their current appropriated funds for this item, as is required for a reimbursable item. Consequently, the "clerical error" itself would insure that this item was never used by any other agency even if they wanted it or needed it.

I have long been a critic of the reimbursable practice, as applied to this item and to the stock funds of the Navy and Army. In fact, I went into this subject in detail in my speech. If such a practice is general, it indicates why the Navy or the Army would gain great advantage from placing high prices on excess items, or why so much of our military supplies and equipment—$10 billion per year—end up as surplus. If the item were used by another agency, the Navy would receive additional funds. If the prices were so high that no one would pay them, items will obviously end up as surplus even though needed within the Government.

FAILURE TO REPLY TO GENERAL POINTS

The Defense Department does not reply to the general points in my speech of which the 10 items I displayed were illustrative. I made the speech in the hope that the administrative officials of the Department of Defense would cooperate to clean up some of the indefensible practices which now exist, and to eliminate excessive waste and fat in order that we might have more military muscle and provide more combat troops, tanks, guns, planes, missiles, and space vehicles.

I am extremely disappointed that they say nothing on these main points. These general criticisms included:

1. The fact that 86.4 percent of Defense contracts are negotiated rather than let by competitive bidding. This is excessive and wasteful.

2. That $14.3 billion or 35 percent of the $41 billion in the supply system inventories of the Department are in excess of the needs either to run the military on a day by day peacetime basis or to go to war tomorrow morning.

3. That some $26.7 billion or 23 percent of the entire personal property inventory of the Defense Department has already been identified as excess or surplus or in long supply of present defense needs.

4. That some $60 billion of supplies are to be sold off as surplus over the next 3 or 4 years at the rate of $10 to $12 to $15 billion per year with an average return of only 2 cents on the dollar. Thirty to forty percent of this total are supplies of common commercial items and not merely outmoded weapons.

5. The placing in the RECORD of 52 General Accounting Office reports issued during the past 2 years showing excessive charges for military supplies. The amount involved ranged from a few hundred thousand to over $6 million in individual cases.

6. Detailing how the stock fund system of the Navy and Army had led to "double payment" for many supplies and had, in some cases, prevented the Government from using equipment and supplies which it owned but which were given away or sold at an average price of 2 cents on the dollar because of the silly "reimbursable" requirements.

ADDITIONAL ITEMS NEEDING INVESTIGATION

Since my speech on defense waste on June 13 I have collected numerous additional items where either the contractors were paid too much or the military wrote off the supplies at excessive prices. These items have not been checked out as were the original 10 items I gave, but I am asking that the General Accounting Office check these items as well as those which they are now working on. They include:

1. A kit heater, disposed of by the Aberdeen Proving Grounds, which is a piece of metal about 4 feet long, rather roughly made, for which the military has listed the acquisition value as $300 and which could be worth no more than $10 to $20.

2. A small screwdriver, disposed of by the Army at Fort Meade, for which the military gives an acquisition cost of $1 but which is certainly worth a great deal less than that. A fair judgment would value it as 15 to 25 cents at most.

3. A wrench socket disposed of by the Army at Fort Meade for which the military gives an acquisition cost of $1.50 but which is worth a good deal less. A fair value might well be 25 or 50 cents at most.

4. A concealable waist pocket device for the purpose of "bugging" conversations. It was disposed of by Fort Holabird and an acquisition cost of $1,100 is given. While this item is somewhat complex, it is almost impossible to believe that it cost or should have cost $1,100.

5. A ground lock bag which is about 3 feet long and 1½ feet wide, or the size of a suit box, which is nothing more than heavy cardboard covered with about $2 worth of canvas with pockets and some stitching. It was disposed of by the Air Force and the acquisition cost is given as $93.68. A manufacturer would make money selling it for from $8 to $12.

6. A mockup reactor consisting of several loose pieces of balsa wood, a few pieces of iron and which originally had two small motors worth from $35 to $50 apiece. At most the entire item would be worth from $100 to $125. The acquisition cost of this item is given as $20,312.44, which is both ridiculous and absurd. It would appear, as this was a termination contract, that the military wrote off all the costs of labor or research or overhead, etc., against this pile of junk which was the only item produced. This raises a real question about the proper method of writing off materials as a result of the termination of a contract.

CONCLUSIONS

The reply of the Department of Defense to my charges is grossly inadequate. The Congress has just cut $400 million from the procurement funds of the Department because of the numerous examples of wasteful practices which have been uncovered by various congressional committees, by the General Accounting Office, and by individual Members of the Congress.

When this cut was made, a mandate was given to the Department for more competitive bidding, greater intergration of supply activities, and the carrying out of the O'Mahoney and McCormack-Curtis amendments calling for more efficient supply practices.

The answers given to me by the Department, and their refusal to admit any errors, certainly raises the serious question as to whether or not the Defense Department will carry out, in good faith, the mandate of the Congress. I, for one, will continue to call to the attention of both the Department and the public, the inefficient supply and procurement practices of the Department and will insist that the mandate of Congress be carried out in both letter and spirit.

TWENTY-FIFTH ANNIVERSARY OF SOCIAL SECURITY ACT—ADDRESS BY SENATOR KENNEDY

Mr. MCNAMARA. Mr. President, on last Sunday, August 14, 1960, the junior

Senator from Massachusetts [Mr. KENNEDY] spoke at Hyde Park, N.Y., in commemoration of the 25th anniversary of the signing of the Social Security Act by President Roosevelt.

There, at the home and resting place of this Nation's greatest President, the Senator from Massachusetts recalled to us the great battles for human dignity waged by Franklin Roosevelt.

I share the Senator's belief that the victory won in the social security battle was one of the greatest this Nation has ever achieved.

I ask that the Senator's address, which I believe also demonstrates his own determination to provide leadership in the tradition of Franklin Roosevelt, be inserted in the RECORD at this point.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

REMARKS OF SENATOR JOHN F. KENNEDY, MEMORIAL PROGRAM, 25TH ANNIVERSARY OF SIGNING OF SOCIAL SECURITY ACT, HYDE PARK, N.Y., AUGUST 14, 1960

I am grateful to you, Mrs. Roosevelt, for allowing me to be here today. For I come to Hyde Park not to instruct but to learn.

And I think that we can all agree that Eleanor Roosevelt is a true teacher. Her very life teaches a love of truth and duty and courage. The wide world is her neighborhood. All its people are her daily concern. She is frank; she is outspoken; she is forthright—and I know she always will be.

A visit to Hyde Park is both a pilgrimage and a challenge. We journey here to pay tribute to one of America's most honored leaders. And we find here a challenge to renew the march toward those high goals of peace, and freedom, and a decent life for all men, to which he dedicated his life.

"I occasionally go back home to Hyde Park," said Franklin Roosevelt, "so that I can have a chance to think quietly about the country as a whole." Today, in the turmoil and conflict of our daily lives, we too can pause here a moment to think about the man whose home this was—and about the Nation which he led to greatness.

Standing on this quiet lawn—this spacious and soothing scene—it is difficult to recall the furious battles which were fought by the man who lies here in honored glory—the conflicts which he waged; the victories which he won.

Yet we who lived while he governed can, here at Hyde Park, still hear the echoes of those heroic struggles: the struggle to rescue America from poverty and economic collapse, the struggle to build a new America where all could live in dignity, the struggle to secure freedom against the ominous armed advance of tyranny and oppression, and, the last, the most arduous, the unending struggle, the struggle which his wife still steadfastly carries on, the struggle to build a world of free and peaceful nations.

If these battles were nobly fought, if the America of Franklin Roosevelt had a rendezvous with destiny, it met that rendezvous only because it was guided to its destination by a great leader of men.

Today we commemorate one of those battles—the passage of the Social Security Act of 1935—the most important single piece of social welfare legislation in the history of this country. It was 25 years ago this very day that Franklin Roosevelt could say, after a long and arduous struggle: "Today a hope of many years' standing is in large part fulfilled"; and with that he signed his name and social security became law.

For millions of Americans, with that one stroke of the pen, their insecurity and fear were transformed into hope—their poverty and hunger were transformed into a decent life—their economic degradation was transformed into a chance to live out their days in the dignity and peace they had so richly earned.

But the job which Franklin Roosevelt set out to do in 1935 is not yet done. That opening battle was won—but the war against poverty and degradation is not yet over. And no one realized this more than Franklin Roosevelt himself. "This law," he said, 25 years ago today as he signed it, "represents a cornerstone in a structure which is being built, but which is by no means complete." We are here at Hyde Park today—not merely to commemorate the cornerstone—but to help complete the edifice.

It is fitting that we celebrate this anniversary. It is essential, from time to time, that we pay tribute to past greatness and historic achievement. But we would betray the very cause we honor if we did not now look to the future as well. We would be unfaithful to the man we honor if we did not look beyond his work to the new challenges—the new problems—the new work which lies ahead. For the last public message he ever wrote, on the morning of his death, closed with these words to the American people: "The only limit to our realization of tomorrow will be our doubts of today. Let us move forward with strong and active faith."

This is not 1935—or 1945. This is 1960—and today there are 16 million Americans past the age of 65; 3 out of every 5 of these—more than 9½ million people—must struggle to survive on an income of less than $1,000 a year; 3 million more receive less than $2,000 from all sources combined; and those who draw social security receive an average check of $72 a month which—in 1960 dollars—does not begin to do the job.

With the cost of living continually spiralling upward, with the cost of basic items continually rising—$72 a month or $1,000 a year cannot pay for even the most basic rudiments of a decent and dignified old age. And, even worse, the substandard incomes—the poverty and neglect—dissipate and destroy the morale, the self-respect, the personal pride of our older citizens.

These are shocking and shameful figures. They unmistakably reveal the dismal poverty, the hardship and the lonely want which millions of Americans must face as they near retirement—they describe the meager and humiliating reward which this, the richest country on earth, gives to those who have contributed to our country's strength.

This poverty and hardship becomes heartbreak and despair when illness threatens. No costs have increased more rapidly in the last decade than the cost of medical care. And no group of Americans has felt the impact of these skyrocketing costs more than our older citizens. Almost 20 percent of all those on social security must use one-quarter to one-half of their meager annual incomes for medical expenses alone. Those over 65 suffer from chronic diseases at almost twice the rate of our younger population—they spend more than twice as many days restricted to bed—and they must visit a doctor twice as often. And even these impressive figures do not tell us of the uncounted thousands who suffer from lack of needed medical care—from lack of vital drugs—and of hospitalization simply because they cannot afford to pay the bills.

Of course some of those who are now uncared for can get free health care. But such public assistance is often painstakingly slow, the tests for giving it are often rigid and unrealistic. The care itself is often impersonal and inadequate.

And even more important—thousands of our older citizens would rather endure pain and suffering than rely on public charity. And they should not have to ask for charity.

This story is a living story, not merely statistics. It is deeply burned into every city and town, every hospital and clinic, every neighborhood and rest home in America, wherever our older citizens live out their lives in want and despair under the shadow of illness. You have seen it in your States—I have seen it in my travels across all 50 States. It is a sight engraved upon our minds and hearts—but it is a sight which, together, we can wipe from the face of this great rich land forever.

First, we must enact immediately an adequate, comprehensive plan to enable our older citizens to meet their pressing medical needs. Such a plan, a soundly financed program without a destructive, degrading means test—based on the tried and tested operation of the social security system, is now before the Congress; and it can—and should—and must be enacted this year.

But I also say to you that this bill will be—like the original social security law—only a single stone in an unfinished structure. It is an important start toward meeting the health problems of our older citizens—but it is only a start. And the coming years will require even more of us.

Second, we must broaden and extend the current scale of social security benefits, which have barely kept pace with the rising cost of living. We must devise machinery that will enable us to keep ahead of rising prices—so that human welfare will not be cruelly dissipated by inflation.

Third, we must raise the amount which retired persons can earn and still be eligible for social security benefits—so that our older people can supplement their meager benefits with meaningful outside employment.

Fourth, we must provide more than benefits. Our older people must receive not only their earned reward for their contributions to America's past—they must be allowed to share in the great task of building America's future. Today too many of our older people who can work—who want to work—cannot find work. Their abilities and skills—their experience and wisdom and knowledge—are wastefully ignored, by a country which desperately needs their services.

We must embark on a great program to use the skills of older Americans—through changes in Government hiring policies—through expanded employment services—and through an intensive education of our Nation's employers to the immense value of this great reservoir of unused talents.

And, since new work for our older citizens will often require new training, we must expand vocational training facilities to ease their change to new job opportunities.

Fifth, we must provide adequate housing for the aged—housing which will be an integral part of the community in which they live. For this we may need a new program of loans, and new incentives to builders to construct homes which meet their special requirements.

Sixth, if we adopt these programs of housing and employment, and construct a system of adequate benefits—then we can move to reduce the number of those who must depend on public assistance, thus increasing the benefits to those who still need assistance.

Seventh, we must expand our basic research into the causes and prevention of those chronic illnesses and diseases which are associated with advancing age.

Eighth, we must do more for the widows and children who survive. Today the widow whose savings are gone—who is forced to live on an income even less than her husband's retirement benefits—is truly the "forgotten woman" of social security.

We must remedy this shameful defect in our law.

And social security is just one of the many, vital battles for human welfare which are now being waged. I come to you from a Congress where we are fighting to secure a decent, minimum wage for millions of Americans. This too is an important and arduous struggle. And many other such struggles lie ahead.

To meet these urgent responsibilities will take determination, and dedication, and hard work. But I believe that America is ready to move from self-indulgence to self-denial. It will take will and effort. But I believe that America is ready to work. It will take vision and boldness. But I believe that America is still bold.

The writers of the Declaration of Independence did not promise us happiness—they promised only the "pursuit of happiness"—and by this they meant fulfillment as a Nation and as human beings.

It is this pursuit—this endless questing—which we must now resume. There are new problems, new dangers, new horizons—and we have rested long enough. The world is changing—the perils are deepening—the irresistible march of history moves forward. We must now take the leadership in that great march—or be forever left behind.

And this is why we have gathered here at the home of enduring greatness—not merely to pay tribute—but to refreshen our spirits and stir our hearts for the tasks which lie ahead. We celebrate the past to awaken the future.

This was said for all time almost 100 years ago, by a great American standing at another graveside, at another memorial service. "It is," he said, "for us the living to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honored dead we take increased devotion to that cause for which they gave the last full measure of devotion * * * that this Nation, under God, may have a new birth of freedom."

Today, in that spirit, we pay our humble tribute.

RECESS UNTIL 10 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I move, in accordance with the previous order, that the Senate stand in recess until 10 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 38 minutes p.m.) the Senate took a recess until tomorrow, Wednesday, August 17, 1960, at 10 o'clock a.m.

NOMINATION

Executive nomination received by the Senate August 16 (legislative day of August 11), 1960:

DIPLOMATIC AND FOREIGN SERVICE

Fraser Wilkins, of Nebraska, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Cyprus.

HOUSE OF REPRESENTATIVES

TUESDAY, AUGUST 16, 1960

The House met at 12 o'clock noon.

Reverend Father Daniel E. Power, S.J., Georgetown University, Washington, D.C., offered the following prayer:

Almighty and Eternal God, Omnipotent Creator of the Universe, in whom we live and move and have our being, from whom we have received all that is good in ourselves and in our blessed country, we humbly invoke Thy blessing today upon this the Congress of our Nation. Whether they gather in session or in conference, inspire them, we beg Thee, with a love for truth and a passion for justice that will enable them to be as responsive to the demands of Thy law as to the clamor of selfish interests; as dedicated to the need of the many as to the plight of the few; as ready to do the truth with charity as Thou are to help them with Thy loving providence. Insofar as it is humanly possible, may the laws passed in this Chamber represent the wisdom of the best minds and hearts and, as such, mirror clearly the divine law which Thou hast revealed through Jesus Christ, our Lord. Amen.

THE JOURNAL

The Journal of the proceedings of yesterday was read and approved.

MESSAGES FROM THE PRESIDENT

Sundry messages in writing from the President of the United States were communicated to the House by Mr. Miller, one of his secretaries.

RESIGNATION OF A MEMBER

The SPEAKER laid before the House the following resignation:

AUGUST 8, 1960.

HON. SAM RAYBURN,
Speaker, House of Representatives,
Washington, D.C.

DEAR SIR: I hereby resign my office as Representative in the Congress of the United States from North Dakota.

Respectfully,

QUENTIN N. BURDICK.

The SPEAKER. The Chair desires to announce that pursuant to the order of the House of July 3, 1960, empowering him to accept resignations, he did, on August 8, 1960, accept the resignation of the Honorable QUENTIN N. BURDICK as a Representative in the Congress of the United States from North Dakota and informed the Governor thereof of the receipt of said resignation.

POINT OF NO QUORUM

Mr. GROSS. Mr. Speaker, I make the point of order that a quorum is not present.

ADJOURNMENT

Mr. BOGGS. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 12 o'clock and 6 minutes p.m.) the House adjourned until tomorrow, August 17, 1960, at 12 o'clock noon.

REPORT OF COMMITTEE ON BANKING AND CURRENCY ON USE OF COUNTERPART FUNDS

Mr. BURLESON. Mr. Speaker, the Mutual Security Act of 1958, chapter IV, section 401(a), requires the Committee on House Administration to publish in the CONGRESSIONAL RECORD, within 10 legislative days after receipt, the consolidated report of each committee of the House using foreign currencies—counterpart funds—during the preceding year. Accordingly, there is shown herein, within the prescribed time limit, the consolidated report of the Committee on Banking and Currency:

Counterpart funds

REPORT OF COMMITTEE ON BANKING AND CURRENCY

[Foreign currency and U.S. dollar equivalents expended between Jan. 1, 1959, and Dec. 31, 1959]

Country	Name of currency	Transportation		Lodging		Meals		Gratuities		Miscellaneous		Total	
		Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars	Foreign currency	U.S. dollars
United Kingdom	Pound	62.27.0	177.38	243.72.7	682.16	177.37.0	498.04	108.54.0	309.96	212.36.6	598.70	809.7.0	2,266.24
Netherlands	Guilder	7,139.70	1,878.87									7,139.70	1,878.87
Sweden	Krona	310.20	60.00	442.10	85.52	891.83	172.50	155.87	30.15			1,800.00	348.17
Switzerland	Franc			150	35.71	149	35.47			123	29.28	422	100.46
Portugal	Escudo	80	2.88	2,737.60	97.05	974.50	35.18	650	23.40	477.90	17.20	5,020	175.71
Greece	Drachma	540.00	18.00	499.00	16.63	1,289.00	42.97	672.00	22.40			3,000	100.00
Denmark	Kroner	7,501.81	1,087.08	2,753.04	395.39	3,196.02	462.22	903.47	129.69	223.10	31.87	14,567.45	2,106.25
Germany	Deutsche mark	648.86	154.49	3,113.31	741.25	3,505.83	820.44	1,730.57	245.40	863.49	205.58	9,102.05	2,167.16
Austria	Schilling	2,537.60	97.60	9,749.52	374.98	8,029.38	308.82	1,867.70	71.85	1,685.80	64.83	23,870.00	918.08
Italy	Lira	372,653.37	602.82	1,036,570.17	1,658.06	1,296,029.15	2,092.03	211,446.35	340.50	234,043.99	381.86	3,150,737.00	5,075.27
France	Franc	170,725.00	348.71	474,599.20	968.68	439,720.60	899.71	155,102.40	316.24	121,279.00	248.69	1,134,926.00	2,782.03
Spain	Peseta	35,138.20	601.97	63,109.06	1,105.97	86,201.40	1,500.16	21,432.00	373.07	16,537.40	296.18	222,418.46	3,877.35
Total			5,029.80		6,161.40		6,867.54		1,862.66		1,874.19		21,795.59

BRENT SPENCE, *Chairman.*

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

2394. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Long Marsh, Md.; Timber Creek, Okla.; Kickapoo Creek, Tex.; and Leatherwood Creek, Va., pursuant to the Watershed Protection and Flood Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Agriculture.

2395. A letter from the Director, Bureau of the Budget, Executive Office of the President, transmitting plans for works of improvement relating to the following watersheds: Fourche Maline Creek Leader-Middle Clear Boggy Creek, Okla.; and Plum Creek, Tex., pursuant to the Watershed Protection and Food Prevention Act, as amended (16 U.S.C. 1005), and Executive Order No. 10654 of January 20, 1956; to the Committee on Public Works.

2396. A letter from the Director, Bureau of the Budget, Executive Office of the President, relative to reporting that the appropriation to the Veterans' Administration for "General operating expenses," for the fiscal year 1961, has been apportioned on a basis which indicates the necessity for a supplemental estimate of appropriation, pursuant to section 3679 of the Revised Statutes, as amended (31 U.S.C. 665); to the Committee on Appropriations.

2397. A letter from the President of the Board of Commissioners of the District of Columbia, transmitting a draft of proposed legislation entitled "a bill to provide for apportioning the expense of maintaining and operating the Woodrow Wilson Memorial Bridge over the Potomac River from Jones Point, Va., to Maryland"; to the Committee on the District of Columbia.

PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. BROYHILL:

H.R. 12993. A bill to amend the District of Columbia Teachers' Salary Act of 1955, as amended; to the Committee on the District of Columbia.

By Mr. ELLIOTT:

H.R. 12994. A bill to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending 3 marine leagues into the Gulf of Mexico and providing for the ownership and use of the submerged lands, improvements, minerals, and natural resources within said boundaries; to the Committee on the Judiciary.

By Mr. LINDSAY:

H.R. 12995. A bill to provide for the enforcement of civil rights, and for other purposes; to the Committee on the Judiciary.

By Mr. McSWEEN:

H.R. 12996. A bill to amend section 4 of the Submerged Lands Act to approve and confirm the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending 3 marine leagues into the Gulf of Mexico; to the Committee on the Judiciary.

By Mr. SELDEN:

H.R. 12997. A bill to amend the Submerged Lands Act to establish the seaward boundaries of the States of Alabama, Mississippi, and Louisiana as extending 3 marine leagues into the Gulf of Mexico and providing for the ownership and use of the submerged lands, improvements, minerals, and natural resources within said boundaries; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 12998. A bill to authorize certain beach erosion control of the shore in San Diego County, Calif.; to the Committee on Public Works.

By Mr. WILSON:

H.R. 12999. A bill to authorize certain beach erosion control of the shore in San Diego County, Calif.; to the Committee on Public Works.

By Mr. WALTER:

H. Res. 601. Resolution to provide additional copies of the report entitled, "Communist Target—Youth," prepared and released by the Committee on Un-American Activities, current session; to the Committee on House Administration.

PRIVATE BILLS AND RESOLUTIONS

Under clause I of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BURKE of Massachusetts:

H.R. 13000. A bill for the relief of Norman Millette; to the Committee on the Judiciary.

By Mr. FLYNN:

H.R. 13001. A bill for the relief of Mrs. Bavani Rama Ayyar; to the Committee on the Judiciary.

By Mr. HENDERSON:

H.R. 13002. A bill for the relief of D. L. Tedrick; to the Committee on the Judiciary.

H.R. 13003. A bill for the relief of A. V. Allen; to the Committee on the Judiciary.

H.R. 13004. A bill for the relief of C. B. Bell; to the Committee on the Judiciary.

H.R. 13005. A bill for the relief of F. W. Caddes; to the Committee on the Judiciary.

By Mr. INOUYE:

H.R. 13006. A bill for the relief of Mrs. Vicenta G. Balagat; to the Committee on the Judiciary.

H.R. 13007. A bill for the relief of Mrs. Ryo H. Yokoyama; to the Committee on the Judiciary.

H.R. 13008. A bill for the relief of Eishin Tamanaha; to the Committee on the Judiciary.

H.R. 13009. A bill for the relief of Juan Pascual; to the Committee on the Judiciary.

By Mr. IRWIN:

H.R. 13010. A bill for the relief of Antoni Zolkos; to the Committee on the Judiciary.

By Mr. KING of California:

H.R. 13011. A bill for the relief of Ligaya P. Reyes; to the Committee on the Judiciary.

By Mr. LESINSKI:

H.R. 13012. A bill for the relief of Zeldi Bornstayn; to the Committee on the Judiciary.

By Mr. UTT:

H.R. 13013. A bill for the relief of Tranquilino Rodriguez Cervantes; to the Committee on the Judiciary.

H.R. 13014. A bill for the relief of Josafat Magos Gonzales; to the Committee on the Judiciary.

PETITIONS, ETC.

Under clause 1 of rule XXII,

531. Mr. PATMAN presented a resolution of Amox-Ham American Legion Post No. 105, Linden, Tex., S. J. Morse, Jr., post commander and S. D. McDuffie, post adjutant, going on record as supporting legislation to correct the injustice of the present pension system by providing for a separate pension of $100 per month for World War I veterans, which was referred to the Committee on Veterans' Affairs.

EXTENSIONS OF REMARKS

Statement by Senator Douglas on the Occasion of the Silver Anniversary Convention of Catholic War Veterans of the United States of America

EXTENSION OF REMARKS

OF

HON. PAUL H. DOUGLAS

OF ILLINOIS

IN THE SENATE OF THE UNITED STATES

Tuesday, August 16, 1960

Mr. DOUGLAS. Mr. President, I ask unanimous consent to have printed in the CONGRESSIONAL RECORD a statement to be given by me on the occasion of the silver anniversary convention of the Catholic War Veterans of the United States of America meeting this week in Chicago. I am glad to give this recognition here in Congress to an organization with such an outstanding record of devotion to God, to country, and to home.

There being no objection, the statemented was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR PAUL H. DOUGLAS ON THE OCCASION OF THE SILVER ANNIVERSARY CONVENTION OF THE CATHOLIC WAR VETERANS OF THE UNITED STATES OF AMERICA

The Catholic War Veterans of the United States of America will hold their 25th annual convention in Chicago during the week beginning August 15. Elaborate preparations have been made to make this silver anniversary the largest convention ever held by this organization. It is anticipated that the extensive program planned will attract more than 7,000 members of the Catholic War Veterans and its auxiliaries. I assure them all a warm welcome from our great, hospitable city of Chicago.

The convention committee has set up an agenda calling for a full schedule of committee meetings that will study and prepare resolutions for action by the entire body. Hundreds of resolutions have already been received covering many phases of American life including "Veterans Affairs," "Youth Welfare," "Catholic Action," "Americanism," "Membership," and many other subjects in which an organization of war veterans is vitally interested.

At various times throughout the convention, prominent Americans are scheduled to address joint sessions of the Catholic War Veterans and its auxiliaries. These men, all outstanding in their particular field, will bring to the Catholic War Veterans and through them to all veterans and Americans messages on "National Security," "Veterans Affairs," "International Relations," and other vital subjects.

Although the convention will have many serious aspects, varied and interesting recreational events have been arranged for the members of the organization, their wives and

families. On Tuesday evening preceding the convention, Comiskey Park will hold Catholic War Veterans night with a baseball game between the Chicago White Sox and the Detroit Tigers to be followed by a fireworks display. On the following day a golf tournament will be held at the Acacia Country Club, and at noon a band concert will take place at State and Madison Streets in downtown Chicago. Throughout the week there will be other interesting activities and ceremonies including a parade on Friday evening, and on Saturday morning a Pontifical High Mass will be celebrated by His Eminence, Cardinal Meyer, archbishop of Chicago. Closing events of the week-long gathering will include a banquet on Saturday evening to be followed by the convention ball.

The Catholic War Veterans of the United States came into existence in the year 1935 when it was founded by a former Army chaplain, the Right Reverend Monsignor Edward J. Higgins, LL.D., of Astoria, Long Island, N.Y. Recognizing a need for a militant veterans organization composed of Catholic men and women who served their country in time of war, Monsignor Higgins founded an organization that has grown throughout the years and now has posts in more than 40 States.

Over the past quarter of a century the Catholic War Veterans has been been a bulwark against many of the tyrannical "isms" that constantly threaten our country and its freedoms. Since its beginning the Catholic War Veterans have brought their greatest force against the evils of communism and its insidious designs to destroy Christianity and create a godless world. For the 25 years that this organization has been in existence it has steadfastly supported and protected the traditions that have made America the great country that it is.

As well as fighting relentlessly against communism the Catholic War Veterans have been active on other fronts sponsoring such programs as "Americanism," "Catholic Action," "Leadership," "Membership," and "Veterans Affairs." In addition, through its publications and other media of communication, this organization has encouraged active civil defense programs, educational activities, and youth programs, as well as the establishment of scholarships.

In the field of veterans' affairs the Catholic War Veterans have always exerted their influence. Each year the organization has sponsored or lent its support to legislation that would be beneficial to veterans, their widows, or dependents. Through welfare and rehabilitation officers located throughout the country it has assisted countless veterans in obtaining benefits under the laws of the Veterans' Administration. The Catholic War Veterans have maintained a strong and active hospital program giving comfort to our thousands of hospitalized veterans. These and many other programs stand as a tribute to the Catholic War Veterans on this, its 25th anniversary.

The Catholic War Veterans have received the acclamation of numerous Government agencies, business groups and patriotic, veteran and fraternal organizations. It has the approbation of the present Pope, John XXIII, and all Popes from the date of the founding of the organization. It has been lauded by every President of the United States and by numerous legislators and other statesmen.

Article II, section 1 of its constitution best describes the aims and purposes of this great organization:

"This organization of Catholic War Veterans is established to promote zeal and devotion for God, for country, and for home:

"(a) For God: To promote through aggressive, organized Catholic action a greater love, honor, and service to God; an understanding and application of the teachings of Christ in our everyday life; recognizing the wisdom of the church in all matters of faith and morals.

"(b) For country: Through a more vivid understanding of the Constitution of the United States of America and through active participation in the promotion of its ideals of life, liberty, and the pursuit of happiness, to develop a more zealous citizenship; to encourage morality in government, labor, management, economic, social, fraternal, and all other phases of American life; to combat aggressively the forces which tend to impair the efficiency and permanency of our free institutions.

"(c) For home: To promote the realization that the family is the basic unit of society; to aid in the development of an enlightened patriotic American youth; to assist all veterans and widows and dependents of deceased veterans.

"(d) These objectives are encouraged without regard to race, creed, or color."

As they celebrate this silver jubilee, the Catholic War Veterans can look back upon a history of accomplishment and to the future with a feeling of confidence.

I am sure all their many friends join in wishing for them the best convention in their history and continued success in working for their high ideals.

The Control of Crime Through Cooperation

EXTENSION OF REMARKS
OF
HON. CARL HAYDEN
OF ARIZONA
IN THE SENATE OF THE UNITED STATES
Tuesday, August 16, 1960

Mr. HAYDEN. Mr. President, because of the excellent way in which the distinguished junior Senator from Virginia, Hon. A. WILLIS ROBERTSON, has set forth the importance of effective cooperation between the State and the Federal authorities having jurisdiction over the enforcement of laws to control and punish criminal activities, I am directing the attention of Senators to an address that he is delivering this evening at Richmond, before the convention of the Virginia State Sheriffs' and City Sergeants' Association.

All of us who have been privileged to serve with him in the Senate have repeatedly observed the way in which Senator ROBERTSON has forcefully demonstrated his ability to utilize his wide and accurate knowledge of historical facts to stress the importance of maintaining a clear-cut distinction between the functions to be performed by the State and Federal Governments. At Richmond there will be no departure by the Senator from his usual clarity of expression in that respect.

We have in common experience gained as law enforcement officers when we were young men. Senator ROBERTSON was the Commonwealth's attorney for Rockbridge County for 6 years and I was the sheriff of Maricopa County in the Territory of Arizona for 5 years. I learned, as he did, that there are those who will commit crimes and that there are always available many others who can be depended upon to support law and order when convinced that honest enforcement efforts are being made.

As the Senator from Virginia clearly indicates, the availability of speedy transportation has made crime a national menace. I join with him in praise for the way in which the Federal Bureau of Investigation is rendering invaluable assistance to the States in resisting the impact of organized crime. No such help was available when we were county officers.

In 1923, I first became acquainted with J. Edgar Hoover, then a young man serving as an Assistant Director of the Bureau of Investigation of the Department of Justice. I was impressed with his earnest plea for the establishment of an Identification Division in that Bureau where fingerprints from all parts of the Nation could be assembled and classified. I promptly agreed to assist him in that effort because during my service as sheriff fingerprints and a photograph which I had the good fortune to obtain from the Ohio State Penitentiary resulted in the capture of Louis V. Etynge, who, after I brought him back from San Francisco, was convicted of murder in the first degree.

When the Department of Justice appropriation bill for the fiscal year 1924 was under consideration, I joined in urging that the Bureau of Investigation be provided with funds to acquire, maintain, and exchange criminal identification records with the State and city authorities, and my recollection is that about $50,000 were made available for that purpose.

It was not until 1931 that Mr. Hoover's proposal was finally consummated by the permanent establishment of the Division of Identification in the Bureau of Investigation. As Senator ROBERTSON points out, during the intervening 36 years the FBI Identification Division has acquired more than 150 million fingerprint cards in its files.

I ask unanimous consent that the address to be made by Senator ROBERTSON, to which I have referred, be printed in the CONGRESSIONAL RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE CONTROL OF CRIME THROUGH COOPERATION

(Remarks of Senator A. WILLIS ROBERTSON at the convention of the Virginia State Sheriffs' and City Sergeants' Association, John Marshall Hotel, Richmond, Va., Aug. 16, 1960)

For 6 years, I served as the Commonwealth's attorney for Rockbridge County, and will always be grateful for the experience, because, through it, I learned about county government and the problems of law-enforcement officers. I soon learned that a Commonwealth's attorney could not hope to make a record as a good prosecuting attorney without a good sheriff. You can't send a felon to the penitentiary before he is caught, and after he is caught you can't convict him without proving criminal intent and the corpus delicti.

A joke is told on some criminal lawyers that their fee is determined by whether they must furnish the evidence or have it furnished by the client. Commonwealth's attorneys must rely principally upon their sheriffs in establishing the fact that a crime has been committed and connecting the prisoner with it.

Nothing more clearly indicates the march of time and changes in social customs than

the history of the office of sheriff. It was an office we inherited from our English ancestors, where it existed among the Anglo-Saxons even before the Norman Conquest. In fact, the word "sheriff" is a Saxon word indicating the executive officer of a shire, or English county. The Saxons probably elected their sheriffs, but after the Norman Conquest the sheriff became the personal representative of the King, appointed by him from a list of three submitted by the Chancellor of the Exchequer and the Judges of the King's Bench. As the personal representative of the King, the sheriff was the most important and most powerful man in his shire, which was known as his bailiwick; and, incidentally, the office was very remunerative. I don't know what the early office of sheriff paid in England, but I find a record of the fact that in Scotland the deputies, there known as sheriff's deputies, received salaries from $2,500 to $10,000 a year, so the sheriff probably received as much as $25,000 per year.

However, in Scotland, in addition to being an administrative official, the sheriff and his deputies were also trial justices for misdemeanors and warrants on small claims.

When the Colonial Government was set up in Virginia, we naturally followed the English system, with sheriffs appointed for a term of 1 year by the Governor (the King's representative) from a list of three peace commissioners recommended by the county court. The sheriffs of that day and time were also tax collectors, and that duty is still exercised by the sheriffs of West Virginia. From colonial days until a fish and game department was created in 1916, Virginia sheriffs were the sole game wardens; and until the creation of the motor vehicle division, they were highway traffic patrolmen, combining all of these duties and functions in some counties for the munificent salary of $600 a year, plus some small fees which usually went to the deputies, as they received no salary. About the only thing the Virginia sheriff doesn't have to do that the English sheriff did is to furnish liquor and other refreshments to the judges. But even in that pleasant function of the English sheriff he has assistance from a distinguished group known as "riders with the sheriff."

The appointment of sheriffs by the Governor continued until the spring of 1775, when the then Governor, Lord Dunsmore, suspended normal governmental functions, declared martial law, and took refuge on a British man-of-war. On March 20, 1775, a convention was held in the city of Richmond to consider what steps the Colonies should take to preserve their freedom, and as stated in the call of the convention: "To bring about a return of the halcyon days of peace and prosperity." That was a remarkable convention, attended by two representatives who afterwards became President—Washington, who represented Fairfax; Jefferson, who represented Albemarle; and Benjamin Harrison of Charles City County, father of a third President. Rockbridge, which was then a part of Botetourt, was represented by John Bowyer; Augusta, east of the Alleghenies, was represented by Thomas Lewis (a descendant of John Lewis, the first white settler in the valley), and Samuel McDowell. The area west of the Alleghenies that extended to the Mississippi River was represented by John Harvie. Shenandoah County, then called Dunmore, was represented by a young Lutheran preacher named Peter Muhlenberg. It was in that convention that he made the acquaintance of George Washington, who in 1776 named him a colonel in the Continental Army, where he served with much bravery and distinction and rose to the rank of major general.

The convention met again in Richmond on July 17, 1775, and again on December 1, 1775, and at this last session, among other things, made provision for the appointment of sheriffs. Under the terms of that resolution, whenever the term of a sheriff expired his successor was appointed for a term of 1 year by the county court. In colonial times the office of sheriff in Virginia, as in the mother country, was a very high and respected post, but in Virginia the work of the sheriff has always been difficult, at times dangerous, and in many counties underpaid.

In many respects, I think Virginia has the best government of any State in the Union. I am satisfied that in no State is justice administered on a cleaner and higher basis, but I have frequently felt that we in Virginia have not attached sufficient importance to the offices of sheriff and city sergeant, nor adequately remunerated the clean, able, and brave men who have been willing to assume those important posts.

One must smile as he reads the record that there could be no court held in Augusta County for 4 years after it was formed from Orange in 1738 because no one could be found willing to assume the duties of sheriff. And for many years after the county was formed, there was a continuing order of the court exempting from jury duty in Staunton citizens of the county who lived on the Mississippi River. We have expected too much of our sheriffs and city sergeants and at times have required them to make brick without straw. The real significance of that Biblical reference was that the children of Israel had to furnish their own straw, gathering it in the fields at night after making brick in the concentration camps all day. And out of the meager salaries and fees allowed our sheriffs and city sergeants we have expected them to respond to every call for help (traveling at their own expense), and, when some major crime has been committed, to spend days and weeks in working up the evidence.

It was not surprising that our State and local law enforcement officers found themselves unable to compete with ruthless bands of organized criminals, operating across State lines. Good roads and fast, easy means of transportation became the allies of organized crime as far back as 1920, when bootleggers and hijackers began to operate in this country on a major scale. It was in response to this situation that the Federal Government in 1934 passed the Fugitive Felon Act. As you know, this act, as it exists today, makes it a Federal offense to flee across State lines to avoid prosecution, custody or confinement for serious criminal acts. The FBI has had the responsibility of investigating violations under this statute, but before it can enter such a case, there must be indication that the fugitive has left the State, and local authorities must agree to extradite the criminal when he is located. The law provides for Federal prosecution, but, very properly, this rarely occurs since the primary purpose of the act is to locate and return to local custody those individuals who have committed serious crimes.

The value of this cooperative function, between Federal and local governments, is evident when statistics for the fiscal year 1959 are noted. In that year, 1,149 Fugitive Felon Act subjects were located by the FBI, an increase of more than 12 percent over the previous alltime high established in 1958.

I mention this act, because it seems to me that it furnishes the framework of a proper relationship between the Federal Government and local governments for cooperation in law enforcement. It is a framework in which the responsibilities are shared, but the primary responsibility for crimes of a local nature remains with the local law enforcement officers. There are, of course, other proper areas where the Federal Government can and does assist you in your most important work. When I spoke to your group in 1936, I urged you to make full use of the facilities which had only recently been made available to you through the FBI. The FBI National Academy had been initiated only in 1935, the year before I spoke to your group, and I urged your members to attend the courses of training provided by the Academy, which is commonly referred to as the "West Point of law enforcement." I'm glad to learn that you have done so. Since the inception of this Academy, there have been a total of 133 graduates from the State of Virginia, and of this number, I am informed, 94 are still active in law enforcement in Virginia.

One of the most notable Virginia graduates of the National Academy is Col. Charles W. Woodson, Jr., superintendent, Virginia State Police, Richmond, Va., who is currently president of the International Association of Chiefs of Police. Colonel Woodson was also the president of his National Academy class in 1940.

Two very excellent officers in the State of Virginia have been selected to attend the National Academy starting on August 15, 1960. They are Sheriff Harold Clark Taylor, Isle of Wight County, and Lt. Julius Marvin Boyers, police department, Staunton, Va.

It is heartening to note that the citizens and law-enforcement officials of the State of Virginia have recognized the professional nature of police work and are actively participating by sending police officers to the FBI National Academy.

Other services of the FBI which I called your attention to in 1936 were the FBI Laboratory and the FBI Identification Division.

During fiscal year 1959, a total of 1,886 examinations were made by the FBI Laboratory on specimens submitted by Virginia law-enforcement agencies. The FBI Laboratory is an excellent source of scientific aid which is available to law-enforcement agencies simply for the asking. The examination of a piece of evidence is performed without cost to the agency, and, if requested, the FBI will send the laboratory technician to testify as an expert witness at a local trial, also at no cost to the agency.

The FBI Identification Division now includes in its files 156,402,518 fingerprint cards, representing over 75 million persons. Ninety-five law-enforcement agencies in the State of Virginia are presently contributing to this division.

The FBI has established a disaster squad of highly trained fingerprint experts who, upon the request of law-enforcement authorities, are immediately dispatched to disaster areas in an effort to identify casualties. This humanitarian service has been utilized in the last several years largely in connection with plane crashes. In January of this year, the disaster squad was called upon to assist local authorities in identification of the victims of the plane crash which occurred in Charles City County, Va. This again, it seems to me, is a proper function of the Federal Government.

Another service provided by the Federal Government is the FBI police schools.

During fiscal year 1960, a total of 54 police schools were conducted by the FBI in the State of Virginia. In addition, the FBI conducted five specialized law-enforcement conferences on the subject of auto theft during the first part of 1960. These schools not only acquaint officers with new investigative techniques and methods, but also advise them of the many ways the FBI can assist them in the solution of a crime through the use of their Laboratory or Identification Division.

Schools of this nature are an example of the excellent instruction that is available to

law-enforcement officers today. Officers, because of the highly professional nature of their work, should constantly strive to keep abreast of new scientific methods and techniques which they may apply in the course of their investigations.

In spite of the cooperation between local law-enforcement officials and the Federal Government, and in spite of the modern methods of scientific detection and identification, crime in the United States continues to rise.

An estimated 1,553,992 serious crimes were committed in the United States in 1958, a rise of 9 percent in comparison with the previous year. This rise in crime has far exceeded the rate of population increase in the country. The overall rise of 9 percent for 1958 was supported by increases in each of the 7 serious crime categories, namely, forcible rape, robbery, burglary, larceny over $50, aggravated assault, murder, and automobile thefts.

Preliminary crime data for 1959 reveals that crimes against the person rose 7 percent. Crimes against property increased 1 percent, according to reports received from police in cities over 25,000. Some individual offenses showed marked changes as follows: Aggravated assault, up 7 percent; murder, up 5 percent; rape, up 4 percent; and robbery, down 2 percent. Burglary showed no noticeable change, while auto thefts and major larcenies rose 2 percent and 1 percent respectively.

The continuing increase in crime is reflected in statistics for the first 6 months of 1960, when crime increased an additional 9 percent. During this period there was a sharp upward trend in serious crimes reported by cities over 25,000. Robberies were up 13 percent, reflecting the highest increase, followed closely by burglaries with a 12 percent rise, while larcenies over $50 rose 8 percent. These figures for the first 6 months of 1960 show a total of 462,396 offenses against property reported by contributing cities. That is an increase of over 40,000 more burglaries, robberies, and thefts than occurred during the same period in 1959. The minimum loss which this figure represents is a staggering $134 million.

In view of this increase in crime, all of us, and not only those of you who are immediately responsible, should concern ourselves with the problem of law enforcement. In my opinion cooperation, as exists between the State and Federal Governments, is the most effective weapon against the criminal world. This cooperation, however, must extend to every citizen of the United States.

In speaking of the continued increase in crime in the United States, J. Edgar Hoover, Director of the Federal Bureau of Investigation, has observed that many citizens have a detached attitude toward crime; that they are seldom concerned with the plight of their neighbors who have been victimized by vicious criminals. He pointed out that all too often brutal crimes arouse only morbid curiosity or mild sympathy for the victims, instead of indignation and concerted action against lawbreakers who all too often have shown utter contempt for human lives and rights.

Mr. Hoover cited the fact that the rising tide of crime is not attributable alone to our population growth, but is traceable primarily to the two following conditions:

(1) There has been an unfortunate spread of moral deterioration among growing communities of our population. This is not evinced alone in the rise of bank robberies and crimes of violence but includes the willingness of many law-abiding Americans to compromise their ideals if an easy dollar can be made. This concept is commonly known in our society as "payola."

(2) Public apathy toward crime and other dangerous conditions has been on the rise in too many American communities. Such apathy attacks man's sensitivity to the difference between right and wrong. Its symptoms are lethargy, self-indulgence, and the desire of personal pleasure before duty.

The problem of young people involved in crime activities is tragic. The increasing frequency of youth crimes is compounded by an increasing savagery in their commission.

Many authorities in noting the continued increase in crime and the resultant danger to our country have loudly advocated the establishment of various types of national crime commissions and national police forces. Crime commissions and national police forces are not the answer to this serious problem. Local crimes should be handled by local authorities with the assistance of the many cooperative facilities available to all law enforcement today.

There have also been in recent years many proposals for invasion of the police powers of States by the Federal Government, in the guise of so-called civil rights bills, while the U.S. Supreme Court on a number of occasions has used the due process clause of the 14th amendment as an excuse for invading the police powers of the States, especially with respect to religious and loyalty issues. Those of us who have opposed these invasions have not done so because of any lack of sensitivity to the rights of every American to enjoy the benefits of the Constitution, but because we know that ultimately the enjoyment by all citizens of all their civil rights depends upon the preservation of a Federal Union composed of sovereign States which had reserved to themselves or the people thereof all powers not delegated to the Central Government. The retention within the States of the police power is one of the most important elements of sovereignty which were wisely retained by the State governments at the time of the formation of the Union. Alexander Hamilton recognized this. In spite of his reputation as an advocate of a strong Central Government, he wrote in The Federalist, No. 17, as follows:

"There is one transcendent advantage belonging to the province of the State governments, which alone suffices to place the matter in a clear and satisfactory light—I mean the ordinary administration of criminal and civil justice. This, of all others, is the most powerful, most universal, and most attractive source of popular obedience and attachment. It is that which, being the immediate and visible guardian of life and property, having its benefits and its terrors in constant activity before the public eye, regulating all those personal interests and familiar concerns to which the sensibility of individuals is more immediately awake, contributes, more than any other circumstance, to impressing upon the minds of the people, affection, esteem, and reverence toward the Government. This great cement of society, which will diffuse itself almost wholly through the channels of the particular governments, independent of all other causes of influence, would insure them so decided an empire over their respective citizens as to render them at all times a complete counterpoise, and not unfrequently, dangerous rivals to the power of the Union."

Even though Hamilton may not have been accurate in his prediction that the retention of police power in the States would make them "dangerous rivals to the power of the Union," he was entirely accurate in his appraisal of the importance to the concept of federalism of the retention of the police powers within the States. It is no accident that the dictatorships of the recent past, and the Communist nations of the present, are called police states. Every government, of course, exercises police powers; but in the police states those powers are exercised with oppressive ruthlessness by the Central Government rather than by local jurisdictions.

Those of us who represent you in the Federal Government must maintain the concept of States rights if our Government is to remain one of individual freedom and opportunity. But the success of our efforts, and the retention of our liberties and opportunities, depend to a great extent upon those of you who have the duty and responsibility for exercising the great police powers which you continue to hold. I know that Virginia peace officers will, as they have in the past, be worthy custodians of these powers.

Democratic National Convention Keynote Address by Senator Church

EXTENSION OF REMARKS
OF
HON. ALBERT GORE
OF TENNESSEE
IN THE SENATE OF THE UNITED STATES
Tuesday, August 16, 1960

Mr. GORE. Mr. President, during the recent Democratic National Convention, the junior Senator from Idaho [Mr. CHURCH] delivered a brilliant and eloquent keynote address. His address set the tone of the convention. His address was well composed, masterfully delivered, and splendidly received. Seldom in the history of our country has the honor of delivering a keynote address to a national convention come to one so young as the junior Senator from Idaho; never has it come to one who has spoken more sincerely, more pungently, or more eloquently.

I ask unanimous consent that his very able address, together with some editorial comment which I have collected, be printed in the CONGRESSIONAL RECORD.

There being no objection, the address and the editorial comment were ordered to be printed in the RECORD, as follows:

KEYNOTE ADDRESS BY SENATOR FRANK CHURCH, OF IDAHO, AT THE DEMOCRATIC NATIONAL CONVENTION, LOS ANGELES, JULY 11, 1960

A keynote speaker is often expected to perform like a cheerleader at a pep rally. But these are solemn times that summon us to reason together. We are Democrats, not because our party has always done everything right, but because it has been the principal party of progress. We face the future with assurance, because of the way our party has served the country in the past.

No other party, for example, has furnished so many great Presidents—the author of our liberties, Thomas Jefferson; the framer of frontier freedom, Andrew Jackson; the sentinel of integrity in public office, Grover Cleveland; the scholarly architect of world order, Woodrow Wilson; the giant of humanitarian reform, Franklin Roosevelt; and that indomitable man of the people, Harry Truman.

Nearly everybody now acclaims the liberal reforms that Democrats had to hammer out, against determined Republican opposition, a few short years ago—the Social Security Act, to give a minimal retirement income to our senior citizens; the minimum wage and hour laws, to upgrade menial wages to decent

standards; the REA, bringing electric light to the countryside of America; and the Federal housing program, which has enabled the bulk of our people to become the owners of their own homes.

I wish that time would permit a review of all the achievements of former Democratic administrations. But the laurels of the past alone do not entitle us to the keys to the future. We will deserve to win the coming election, not on account of yesterday's service, but on the basis of the programs we present for today, and the plans we project for tomorrow. Therefore, I must speak to you tonight of the grave crisis confronting us all.

Ours is an awesome age. We live anxiously in the shadow of the mushroom cloud, and wonder whether the human race itself is to be consumed in the witchfire of thermonuclear war. We see the world in upheaval, polarized about two gigantic adversaries, the United States and the Soviet Union. At stake is the shape of the future.

If the Soviet Union is communism on exhibit, even more is the United States the showcase of democracy. How urgent it is for us to demonstrate to all the watching world that democracy has the will to serve vital public needs. How ironic that our national administration should have fallen into the hands of the "holdback" party, during the times that beseeched us to push ahead.

For the heralded "crusade" of 1952 brought only complacency back to Washington. It was the same old "keep cool with Coolidge" attitude of the twenties; it was the familiar "prosperity is just around the corner" spirit which prevented Herbert Hoover from ever coming to grips with the great depression. Once the new Eisenhower "team" had been installed, Madison Avenue eagerly took charge, and a barrage of bland ballyhoo soon filled the land. Like a drug, if you please, it has tranquilized our leadership for ever 7 years.

Now we must be done with this addition. We must seek candid answers to the hard questions: Where do we really stand? Where are we headed? What must we do about it?

We are told by the Republicans to be content, that they have done as much about our problems as we can afford, and that the present prosperity attests to their prudent management of our affairs.

But do we have a wholesome prosperity? I submit it is a pitchman prosperity, the kind that results when government is run by hucksters not unaccustomed to selling inferior products by wrapping them in bright packages.

It is no accident that big business profits are higher than ever, nor that small business is failing at a record rate. The Republicans tell us that this is due to the immutable law of the survival of the fittest. The fittest, of course, are the biggest, as anyone knows who has ever been in an alley fight. If small business doesn't want to get licked, it will have to get out of the alley. In any case, it is "paternalism," according to the Republican rulebook, for the Government to intervene as referee.

Who suffers from this pitchman prosperity? Not just small business, but the farmers as well.

This administration, in dealing with the farm problem, has treated the American people like the fabled blind men of India who went to see the elephant. One felt his side and thought him like a wall; one his tail and thought him like a rope; one his ear and thought him like a fan:

"And so these men of Indostan
Disputed loud and long,
Though each was partly in the right,
And all were in the wrong."

To the farmers, the Republicans have said: "Price supports have induced you to overproduce. We will lower them. Less food will mean higher prices, and this will make you prosperous."

To the consumers, they have said: "We are lifting acreage restrictions and reducing the farmers' price supports. This will mean more food at cheaper prices in the marketplace."

To all of us who are taxpayers, they have said: "We are paring down the farm program to save you taxes."

With such conflicting arguments, the administration won approval from a Republican Congress, in 1954, of its flexible price support program, and the use of the veto has kept it alive ever since. With the same arguments, the program is still defended, despite all the accumulated evidence of its failure.

Has it helped the consumer? The housewife will tell you that groceries are higher than ever.

Has it helped the taxpayer? Why this administration has spent more money on its farm program than all previous administrations combined, from the time the Department of Agriculture was first established in 1862. Instead of declining, our surpluses have grown mammoth. Just to maintain them, now costs us more than a billion dollars a year. For some of those who own storage bins, this may be the road to riches, but for the farmer, it is the road to ruin.

Farm income has dropped 23 percent since 1952, while costs have continued to rise, in a squeeze that has driven nearly 5 million people off the farms. We Democrats reject the proposition that the family farm is finished. The farmer is entitled to a fair return on the food and fiber he raises, and no prosperity is genuine that excludes him.

Yet those who pay for this pitchman prosperity are not confined to either farmers or small businessmen. Workingmen pay for it. Elderly people on pensions pay for it. Everyone who has to borrow pays for it. The cost is exacted in higher interest rates.

I swear Rip Van Winkle could have gone to sleep during anytime in this century past, and upon awakening, could readily have determined which party was in control, merely by asking, "How high are the interest rates?" And, if they were hovering up there close to the ceiling, he could bet his life that the Republicans had taken over in Washington.

One of the first acts of this administration, in 1953, was to raise the interest rates, a policy that has already cost the taxpayers $12 billion, just to pay the increased interest on the national debt. Imagine what the boosted tax cost has been on money borrowed by the States, the cities, and the school districts of the land.

But even this is not all. Pile on top of it the added money paid out by every person who has had to buy his TV set, refrigerator, or automobile, on the installment plan, and you can begin to understand how spiraling interest rates have intensified the inflation, and lifted the cost of living to an alltime high.

The fact is that the tight-money policies of this administration have sapped our vitality and shackled our economic growth. Compare the past 7 years under this Republican administration with the previous 7 years under the Democrats. During the Truman administration, our gross national product increased an average of 4.7 percent each year. Under the Eisenhower administration, the increase has averaged only 2.3 percent, less than half as much. And if our growing population is taken into account, the per capita rate of growth for the 7 years under the Democrats was four times as great as under the Republicans.

Indeed, our economic vigor has been undermined to the point that our urgent needs at home have been left untreated like festering sores.

Private slums are spreading through the rotting cores of our big cities, while our urban renewal and public housing programs are "too little and too late." Our private automobiles are stalled in traffic jams, while rapid public transportation, for lack of funds, lags 20 years behind our needs. Private dissipation flourishes, while public education flounders. The classroom shortage has not been met, and we continue to spend more for liquor and tobacco than for public schools. To sweeten private life, our stores display a billion bottles of deodorant, yet a modest bill to reduce the stench from our polluted public rivers was vetoed, and the urban air—thickening with contamination—begins to threaten public health.

We have cared so much about "conspicuous consumption" that our lives are cluttered with gadgets. Yet, we have cared so little about our public responsibilities, that both young and old have been neglected; gangs of switchblade delinquents haunt the public streets, while the lack of adequate medical care for the aged is fast becoming a national disgrace.

What does all of this portend for America? Are we to become a modern Babylon of public want amidst private glut? Is this to be the last port of call for the great American Republic? Such has been the direction of our course—under this Republican administration.

I say to you: The issue in the coming election is not Dwight Eisenhower, whether the strong or the weak; it is not RICHARD NIXON, whether the new or the old; the issue is our country's course—whether we can risk another 4-year ride on the Republican train.

For it is the same old train. He who sits in the cab up front cannot change the direction of the ride. The train runs on Republican tracks, and they are fixed in place. To change direction, we must change trains, and that is just what the American people plan to do in November.

What will be our new direction? Well, let's see what the Democrats in Congress have done—even in the face of veto, and the threat of veto—these past few years.

We have advanced the cause of good health through larger appropriations for vital medical research against cancer, heart disease, tuberculosis, and a host of other chronic ailments.

We have kept faith wtih our forefathers by overcoming 40 years of resistance, to embrace Alaska and Hawaii within the Federal Union, as our 49th and 50th States.

We have broken a stalemate in the fight for full equality under law, by enacting the first civil rights legislation in 80 years, to better protect the right to vote for all our citizens, regardless of race or color. Much remains to be done, but it is already clear that the Democratic Party is dealing most effectively with the lingering problem of racial intolerance, even as we have rejected religious bigotry. We are proud to count among our leading contenders for the Presidency itself, both Protestant and Catholic alike.

But in other fields, the work of the Democratic Congress has been blocked by the Republican veto. In the field of continued development of our water resources—so important to my own State of Idaho, and the future of the country—the Republican Cabinet is split. One half wants "no new starts," the other half demands "more new stops." Four times in 4 years, rivers and harbors bills have been vetoed.

Twice the Congress has tried to give aid to depressed areas of chronic unemployment, and twice have the bills been vetoed. Twice, because of vetoes, we have seen an adequate

public housing program cut below our minimal needs, and many have been the times that Congress has been frustrated in its efforts to deal with the worsening farm problem. Half a dozen major farm bills have been vetoed since 1956.

If only there had been a Democrat in the White House, these past 7 Republican years, and we had continued to enjoy the same rate of economic growth we experienced during the previous 7 Democratic years, there would have been plenty of revenue to enact all of these programs into law, plus urban renewal and school construction besides, without deficit spending, and without need for any increase in Federal taxes.

This is why the American people are determined to put an end to divided government. Not only are they going to reelect a Democratic Congress, but they are going to make sure that the man we nominate in this convention becomes the next President of the United States.

We must make the change. Our problems at home call for it. Our predicament abroad compels it.

The President and his representatives, under the Constitution, conduct our foreign policy. For over 7 years, they have staged it as though the world were a grandstand, where showmanship might be the easy substitute for statesmanship.

Before it's too late, we must begin to see the world realistically. We live on a shrunken planet, where the prevailing order of the past three centuries has been destroyed. New nations rise from the wreckage of old empires, so that our world, like ancient Gaul, lies divided in three parts: One part consists of the Western nations, led by the United States; one part of the Communist nations, dominated by the Soviet Union; while the third part is made up of the newly emerging nations in the old, colonial regions of Africa, Asia, and the southern seas.

These undeveloped and uncommitted nations are the "no man's lands" on which the destiny of the human race will be decided. For if the continents of Africa and Asia are drawn behind the Iron and Bamboo Curtains, the economy of Western Europe is at once undermined. And if we yield Europe, Asia, and Africa to the Communists, the balance of power will fatally shift against us, thus assuring eventual Communist domination of all the world.

Two ways of life—freedom and communism—are locked in mortal competition. Until the debris has been cleared away from the wrecked summit conference in Paris, until the tumult that turned the President back from Tokyo is better understood, we cannot know, for sure, what form this competition may take. But this we do know: we shall either win it or lose it. There is no way out of it. History's verdict will be rendered. The days of our years will determine whether freedom shall endure.

Accordingly, we must inquire, How have the Communists been doing in this dire contest?

A few months ago, my wife and I stood in a long line which moved slowly across the Red Square in Moscow, into the marble mausoleum beneath the Kremlin wall. We went there to see the mortal remains of Lenin and Stalin, laid out upon beds of bronze. The mausoleum is the pagan cathedral of world communism, and each day the "comrades" comes there, three and four abreast, in a never-ending procession.

It is the same procession that emerged from the ruin of Russia at the end of the Second World War to thrust up a Red empire—the only new empire of the 20th century. It now engulfs all of Eastern Europe and vast China, and encloses a third of the world's people within its spreading reach. Its method of expansion has always been conquest, either from within or from without; in no Communist land have the people ever freely voted the system in, and in no such land have they ever been given a chance to vote it out.

Now the tyranny invades the Middle East, and plants its seeds in restless Africa.

I have listened to Nikita Khrushchev, behind the closed doors of the Senate Foreign Relations Committee. I have heard his certain prediction that communism would win history's verdict. He boasted that, although we may be freemen, our grandchildren will be Communists.

Is this an idle boast? The Communists have seized a third of the world in 15 years. History does not record another conquest so large in so short a time. I submit to you that the fateful decisions taken in Washington today and tomorrow will determine whether or not our grandchildren shall be free.

These are the grave stakes deeply involved in the coming national election, and the mission of the Democratic Party is to reawaken America to the mighty task before her. The hinge of the future swings on the United States. The maintenance of peace, the preservation of freedom, the fate of the world, all ultimately depend upon American principle, American prestige, and American power.

What has been happening to American principle? Under Truman we had a Marshall plan to restore economic strength to the free governments of Western Europe, but of late we have courted tyrants, as though they were the friends of freedom.

We have pinned medals upon the chests of hated dictators like Peron of Argentina and Perez Jimenez of Venezuela, and when they were driven into exile, we were aghast at the stoning of our own Vice President on the streets of Caracas.

We have carelessly furnished weapons to other petty tyrants, like Batista in Cuba, who turned them upon his own people, and now we are dismayed at the vehemence of the "Hate America" rallies in Havana.

We have helped to arm a Fascist Franco in Spain, and a Communist Tito in Yugoslavia, until the world has been left to wonder if we still stand for freedom. And as traditional American principles have been obscured, a tide of suspicion and hostility rises against us.

We must also ask: What has happened to American prestige?

Long have we been known as a generous people. Since the end of the Second World War, we have given freely of our treasure to help raise standards in far-flung parts of the world. To the needy, our hand has been extended in friendship. Yet, an overemphasis on military aid has caused the hand, in many places, to be mistaken for a fist. Worse still, by allowing our surplus foods to pile up in massive quantities, by failing for too long to implement an imaginative food-for-peace program, this administration has wrongfully permitted the ugly image to spread of a fat America hoarding food in a hungry world.

But our prestige has suffered in yet another way. We live in an age of science, when men equate national excellence with technological achievement. In such a competition, how could this country—the most highly industrialized and technically advanced in history—possibly stumble and fall behind? Well, during these Republican years, we've done it.

Somehow we lost, and have yet to recapture, the initiative in space. The Russians were the first to launch a satellite, the first to strike, and then to photograph the far side of the moon, the first to orbit the sun. So effectively have they capitalized on these feats, that our own public opinion experts tell us that the average citizen of the world believes today that the Soviet Union has become the leading scientific nation. Don't ever discount the effect of this upon people in primitive lands, where the promise of modern science alone seems to hold out hope for a better life in the years ahead.

So we are left with the final question: What has happened to American power?

As long as the Russian and Chinese Governments live by the sword, our military strength must be second to none. We understand that arms alone can never perpetuate the peace, but can only buy us time with which to supplant the rule of force among nations with the rule of law.

Yet it must be clear by now that if this objective is ever to be won, if nuclear weapons tests are ever to be suspended, if open skies for the prevention of surprise attack is ever to be established, if enforcible arms control is ever to commence, these complicated problems will be worked out—not at ceremonial summit conferences—but through long, painstaking, and skillful negotiation. At the conference table, our chances for success will depend upon our ability to negotiate, not from weakness, but from strength.

What has happened to our strength? Our Army has shrunk from 20 to 14 divisions. Our Navy has lost scores of fighting ships. We concede to the Russians superior numbers of intercontinental ballistic missiles, which we ourselves describe as the "ultimate weapon." Still, we are told by this administration that we need not match the Soviet Union in missile strength, for this would impose too heavy a strain upon us. Is it possible that the richest nation in history can no longer afford to be the strongest?

In these many ways, we have watched our country shrink in stature, only to be told that Mr. NIXON, the single aspirant in either party who upholds the very policies that have led us into fiasco, is the man best qualified to lead us out.

Well, the American people won't be fooled. Remembering the famous admonition of Theodore Roosevelt, "Speak softly and carry a big stick," they are not about to substitute, "Talk tough and carry a toothpick."

They know that scowls will never scuttle the Communist thrust, that this can be accomplished only by a mighty striving to revive American principle, to restore American prestige, and to rebuild American power.

I shall never forget the words of a Polish lady, spoken to me last year on the square of the inner city of old Warsaw. She spoke with a wisdom and perspective forged in nearly a century of life. "Senator," she said to me, "America is truly the hope of the world."

It is the American Revolution—not the Russian—that has served as the inspiration of all people who would be free.

It is the American industrial revolution—not the touted "class struggle"—that has created, here in the United States, the world's most classless society.

It is the American technological revolution—not the proletarian state—that has produced, here in the United States, a standard of living that is the marvel of the world.

Nominate a man who will summon this priceless heritage to work. Give us a leader whose program will match this atomic age, and the Democratic Party—true to its tradition—will once again lift our country upon the highroad of destiny.

For only an awakened and rededicated America can raise a standard around which the great fraternity of the free can rally, to

summon from a new-found unity, the resolution and the strength to make history's verdict ours.

This is the case for all America that the Democratic Party must carry to the people.

God help us plead it well.

EDITORIAL COMMENT

Los Angeles Evening Express:

"The keynote speech at the Democratic National Convention in Los Angeles was a brilliant political address delivered in dynamic fashion by young FRANK CHURCH, U.S. Senator from Idaho.

"It was a red hot attack on the 7 years of Republican administration in which the speaker detailed what he asserted to be the failures of the top GOP leadership in dealing not only with domestic issues, but also with the tense international crisis.

"And highly laudable in his forceful fighting keynote address was his assertion that peace, freedom, and the fate of the world 'all ultimately depend upon American principle, American prestige, and American power.'"

Los Angeles Examiner:

"As to Senator CHURCH'S keynote speech, it was a vigorous and masterful statement in the grand old tradition of partisan politics."

Washington (D.C.) Post:

"The Democratic keynote speech of Senator FRANK CHURCH * * * was a competent partisan address to a partisan convention assembled for the serious business of choosing a man qualified to be the next President of the United States."

The Portland (Oreg.) Oregonian:

"Senator CHURCH has well performed the task assigned him."

The New York Times:

"Senator CHURCH'S speech was superior to many such in the past. * * * There is a great deal with which we agree in (his) analysis; but we do not find it so easy as he did to apportion the praise and blame along strictly party lines."

Idaho Statesman (Boise):

"Idahoans generally, and her Democrats particularly, will applaud the honor and accomplishment involved in Senator FRANK CHURCH'S keynote address at the Democratic National Convention in Los Angeles. A finished orator, Mr. CHURCH undoubtedly set the theme of the convention, and he did it well.

"What we are watching is American history in the making, and Senator CHURCH, assigned an important place in that activity, did an excellent job in a modernized, fairly brief type keynote address. Unlike tradition, which says that keynoters talk their way into the political graveyard, we think the young Senator attracted favorable attention to himself and the State he represents. Often we disagree with his liberal philosophies but Monday night we felt that he filled an important pair of political shoes with deep determination and enthusiasm. As Idahoans we are proud of the recognition that came to one our citizens."

Lewiston (Idaho) Morning Tribune:

"We commend the speech to the readers of the Tribune, not simply because the speaker is an Idahoan whom many in this area know personally, but, more importantly, because the speech itself is a particularly good one.

"Unlike the usual keynote address, this one wrestles seriously with serious issues: perilous difficulties abroad, wasteful consumption and irresponsibility at home, the erosion of American power and prestige, an absence of executive leadership.

"More than anything else, this was a statement of faith in what the Nation could do if she set herself to doing it, and a declaration of what she must do if disaster is to be avoided.

"It has not traditionally been the purpose of a keynote speech to scold or enlighten but to enthuse, and this one contains its fair share of the trappings of convention oratory. But it contains, in addition, a larger proportion of substance than conventions have grown accustomed to."

The Salt Lake (Utah) Tribune:

"The keynote speech of young, handsome Senator FRANK CHURCH of Idaho at the Democratic National Convention was in keeping with the new political accent on youth and the electronic age.

"While dynamic and to the point, the 45-minute address was terse and restrained, compared with some keynote addresses of past political conventions.

"The sincerity of the youngest Member of the U.S. Senate was impressive.

"Senator CHURCH spoke without notes and without using a teleprompter.

"The able Idahoan drew favorable attention to his State and to the Intermountain West. Many oldtimers undoubtedly recalled the days when another Idaho Senator, the late William E. Borah, was prominent in the conventions and operations of the opposing party."

The Intermountain (Pocatello, Idaho):

"It was a superb appeal to his party. He implored them to restore freedom as the Nation's key export commodity, and to proceed without apology to take new Federal action against festering domestic problems.

"The Senator warned against our becoming a modern Babylon, privately glutted in a state starving for lack of purpose."

The Garden City (Idaho) Gazette:

"FRANK CHURCH did Idaho proud Monday evening.

"His keynote address at the Democratic National Convention in Los Angeles was another example of the masterful oratory that Idahoans have long recognized in the young Senator.

"Once before Idaho produced a U.S. Senator who was known throughout the Nation for his oratory and who brought fame to the Gem State. FRANK CHURCH'S performance Monday night has put him well on the way to being a second Borah in the eyes of the country."

POLITICAL COLUMNISTS

C. F. Byrns in the Fort Smith (Ark.) Southwest American:

"The high spot in the first session of the Democratic National Convention Monday was a brilliant keynote speech by the Senate's youngest Member, Senator FRANK CHURCH, of Boise, Idaho. * * * If there has ever been a keynoter so young, I do not recall it. There have been few who approached his oratorical skill and his attractive personality.

"Senator CHURCH impressed me, not alone for what he said, but how he said it. In a gathering such as this, the speakers normally and obviously refer to written scripts. Senator CHURCH may have had a manuscript tucked away somewhere out of sight; but if he had, he neither used nor needed it. He spoke easily, vigorously, dynamically, and persuasively, covering multiple ideas and situations with sharp criticism of the present administration—which was the object of the meeting."

Roy Ringer in the Los Angeles Mirror News:

"CHURCH of Idaho, at 35 the youngest U.S. Senator, was proof incarnate that the slam-bang art of political oratory is far from dead.

"Matching gesture to voice, inflection to emotion, his 45-minute keynote address was in the grand tradition."

Richard L. Strout in the Christian Science Monitor:

"Boyish looking FRANK CHURCH'S national televised keynote address fulfilled all the standard qualifications of this kind of performance, and added something more.

"Because the United States is engaged in a desperate struggle with communism the Democratic keynote had deeper significance. It not only indicated the prospective Democratic line of attack, but in its own way it seemed to make the attempt, however successfully, to voice the call to greatness which the times require.

"Thus his address, which was interrupted 42 times by applause, touched great issues. The apple-cheeked young Idaho Senator used a style and delivery which were, for this kind of thing, relatively models of restraint. In fact, at various points he seemed to get near the issues that really separate the two great parties."

Frank Hewlett in the Spokesman Review (Spokane, Wash.):

"Idaho's Senator FRANK CHURCH was showered with more than 150 congratulatory telegrams Tuesday on his keynote speech before the Democratic National Convention.

"They came from all sections of the country—and included two from self-styled Republicans who said he had converted them.

"The press also treated the Gem Stater well.

"The Los Angeles Times said he 'did not disappoint the throngs who came to hear him' and the New York Herald Tribune praised the delivery and sincerity of the man from the Potato State.

"Only three or four of the stack of messages were critical. A couple merely attacked the Democratic Party's past position on international affairs.

"An Illinois fan said 'Your speech was like giving light to the blind.'

"A New Yorker commented 'inspiring speech, fit for president' and a Missourian said 'Your speech was the best since Franklin D. Roosevelt.'

"An Ohio man said 'run for president' and one from Tennessee said 'Can't think of a stronger ticket than KENNEDY and CHURCH.'

"'Would be to God that there were more men like you in our great country,' said a message from Rhode Island and from Washington, D.C., came one saying 'Applying now for front row seat on your bandwagon.'

"'Help me organize Republicans for KENNEDY,' messaged a California woman and a New York telegram said 'A Republican small businessman thought your speech excellent.'

"From his home State there was a message from Pocatello which read, 'Fine job, FRANK,' and from Nampa was a message saying the speech was excellent and added the 'TV reception here was fine.'"

Eleanor Roberts in the Boston Traveler:

"The man who won the vote—without so much as a battle—as the glamour boy and Demosthenes of the Democrats last night was handsome, 35-year-old Senator FRANK CHURCH of Boise, Idaho.

"He provided the chief excitement in an otherwise dull evening.

"When he finished his impassioned moving keynote speech—delivered with such force and in such colorful language—he not only brought the convention to its feet for the first time, but left viewers at home silently cheering.

"Obviously, CHURCH knew his speech perfectly. And since he had no need of a teleprompter, he could concentrate on putting it across. Almost every sentence was accompanied by gestures, like raising hands high to indicate how interest rates on installment plans had 'piled up' during the Republican administration.

"It was a dramatic, serious speech in spite of the many catch phrases, and no elder statesman could have put over more effectively the terrifying warning that Russia had conquered one-third of the world in 15 years, a historymaking record."